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Floor Debate  
March 02, 2016

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[LB83 LB467 LB698 LB710 LB722 LB746A LB746 LB851A LB919A LB919 LB928 LB934A  
LB947 LB977]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR KOLTERMAN. PLEASE RISE.

SENATOR KOLTERMAN: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. I CALL TO ORDER THE THIRTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS OR ANNOUNCEMENTS?

ASSISTANT CLERK: THERE ARE, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB919, LB919A TO SELECT FILE. HAVE A SERIES OF GUBERNATORIAL APPOINTMENTS TO THE (NEBRASKA) COMMISSION ON PROBLEM GAMBLING, THE (NEBRASKA) EDUCATIONAL TELECOMMUNICATIONS COMMISSION, AND THE STATE BOARD OF HEALTH;

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THOSE WILL BE REFERRED TO THE REFERENCE COMMITTEE. AND NEW A BILL (READ LB851A BY TITLE FOR THE FIRST TIME.) THAT'S ALL I HAVE THIS MORNING. (LEGISLATIVE JOURNAL PAGE 791-793.) [LB919 LB919A LB851A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LEGISLATIVE CONFIRMATION REPORTS. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST REPORT THIS MORNING IS FROM THE GENERAL AFFAIRS COMMITTEE, TWO APPOINTEES TO THE STATE ELECTRICAL BOARD. (LEGISLATIVE JOURNAL PAGE 754.)

PRESIDENT FOLEY: SENATOR LARSON, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE FIRST OF TWO CONFIRMATION REPORTS.

SENATOR LARSON: THANK YOU, MR. PRESIDENT. FOR THE STATE ELECTRICAL BOARD WE ARE NOMINATING CORY MUELLER. CORY IS A REAPPOINTMENT MADE BY THE GOVERNOR IN SEPTEMBER OF 2015 TO CONTINUE TO SERVE ON THE NEBRASKA STATE ELECTRICAL BOARD. MR. MUELLER IS CURRENTLY EMPLOYED WITH THE BLUE RIVER ELECTRIC AND ELECTRICAL CONTRACTOR. MR. MUELLER RECEIVED HIS UNDERGRADUATE DEGREE IN BUSINESS AND PHILOSOPHY FROM LINCOLN. HE ALSO EARNED A MBA FROM NEBRASKA-LINCOLN. MR. MUELLER ALSO HOLDS A DEGREE IN ACCOUNTING, AS WELL AS AN ASSOCIATES DEGREE IN ELECTRICAL SCIENCE. THE GENERAL AFFAIRS COMMITTEE UNANIMOUSLY VOTED FOR MR. MUELLER'S CONFIRMATION. AND I WOULD ASK YOUR APPROVAL OF MR. MUELLER, AND EDWARD BERGSTRAESSER WITH THE STATE ELECTRICAL BOARD. MR. BERGSTRAESSER IS A REAPPOINTMENT MADE BY THE GOVERNOR IN SEPTEMBER, 2015, TO CONTINUE TO SERVE ON THE STATE ELECTRICAL BOARD. MR. BERGSTRAESSER HAS BEEN AN INSPECTOR MEMBER OF THE NEBRASKA STATE ELECTRICAL BOARD SINCE 2003. HE'S CURRENTLY EMPLOYED AS THE CHIEF ELECTRICAL INSPECTOR BY THE CITY OF LINCOLN AND LANCASTER COUNTY AND IS WELL EXPERIENCED AND A KNOWLEDGEABLE MEMBER OF THE STATE ELECTRICAL BOARD. THE

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GENERAL AFFAIRS COMMITTEE ALSO UNANIMOUSLY APPROVED MR. BERGSTRAESSER'S CONFIRMATION. AND I WOULD ASK THE BODY TO CONFIRM BOTH OF THESE INDIVIDUALS. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. MEMBERS, YOU'VE HEARD THE DISCUSSION ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK TO THE REPORT, SENATOR LARSON WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT FROM THE GENERAL AFFAIRS COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 794.) 27 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) RETURNING NOW TO CONFIRMATION REPORTS. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, SECOND REPORT THIS MORNING FROM THE GENERAL AFFAIRS COMMITTEE IS FOUR APPOINTEES TO THE NEBRASKA ARTS COUNCIL. (LEGISLATIVE JOURNAL PAGE 754.)

PRESIDENT FOLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN THE CONFIRMATION REPORT.

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THE NEBRASKA ARTS COUNCIL HAS FOUR APPOINTEES. THE FIRST, HARVEY VARENHORST, WAS APPOINTED BY THE GOVERNOR IN SEPTEMBER 2015 AND IS SERVING IN HIS FIRST TERM ON THE NEBRASKA ARTS COUNCIL. MR. VARENHORST HAS AN EXTENSIVE PROFESSIONAL BACKGROUND IN THE MILITARY, LAW ENFORCEMENT, AND MANAGEMENT ANALYST AS A SENIOR INVESTIGATOR. THE GENERAL AFFAIRS

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COMMITTEE UNANIMOUSLY VOTED FOR MR. VARENHORST'S CONFIRMATION. THE SECOND, SHERRY McCLYMONT; MS. McCLYMONT IS A REAPPOINTMENT BY THE GOVERNOR TO CONTINUE TO SERVE ON THE NEBRASKA ARTS COUNCIL. SHE RESIDES IN HOLDREGE, AND HAS SERVED WITH THE FRIENDS OF THE LIED BOARD. MS. McCLYMONT HAS DEGREES FROM BOTH THE UNIVERSITY OF NEBRASKA-LINCOLN AND KEARNEY. SHE HAS A GREAT PASSION FOR THE ARTS AND IS A GREAT MEMBER OF THE BOARD. THE GENERAL AFFAIRS COMMITTEE UNANIMOUSLY APPROVED HER. KATHRYN LeBARON, IS A REAPPOINTMENT MADE BY THE GOVERNOR. MS. LeBARON SERVED ON THE UNIVERSITY OF NEBRASKA FOUNDATION, LANCASTER COUNTY CHILD ADVOCACY CENTER, LINCOLN ORCHESTRA ASSOCIATION, AND THE SHELDON ART ASSOCIATION, AS WELL AS SEVERAL OTHER BOARDS. SHE RECEIVED HER BACHELOR OF SCIENCE DEGREE FROM THE UNIVERSITY OF NEBRASKA, AND IS CURRENTLY EMPLOYED WITH LINCOLN INDUSTRIES. ALSO APPROVED UNANIMOUSLY BY THE GENERAL AFFAIRS COMMITTEE. AND PATRICK DRICKEY IS A REAPPOINTMENT MADE BY THE GOVERNOR TO THE NEBRASKA ARTS COUNCIL. HE'S A PROFESSIONAL PHOTOGRAPHER AND IS THE EXECUTIVE DIRECTOR OF GALLERY 1516 IN OMAHA, WHICH IS A VENUE TO ALLOW REGIONAL ARTISTS TO EXHIBIT THEIR WORK AT NO CHARGE TO THE ARTIST. MR. DRICKEY HAS A TRUE PASSION FOR THE FINE ARTS AND IS AN EXCELLENT MEMBER OF THE NEBRASKA ARTS COUNCIL. ALL THESE MEMBERS WERE UNANIMOUSLY APPROVED BY THE GENERAL AFFAIRS COMMITTEE, AND I WOULD ASK THE BODY TO DO THE SAME. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. DISCUSSION IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WANT SENATOR LARSON TO TAKE A SPECIAL NOTE OF HOW I'M VOTING THIS MORNING. WHEN HE BRINGS SOMETHING THAT'S REASONABLE AND MERITORIOUS, I WILL NOT HESITATE TO SUPPORT IT. THANK YOU VERY MUCH.

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO GO SPEAK, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON THE CONFIRMATION REPORT, AND HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 794-795.) 27 AYES, 0 NAYS ON THE ADOPTION OF THE REPORTS, MR. PRESIDENT.

PRESIDENT FOLEY: CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE WOULD REPORT ON AN APPOINTMENT TO THE STATE HIGHWAY COMMISSION. (LEGISLATIVE JOURNAL PAGE 755.)

PRESIDENT FOLEY: SENATOR BRASCH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO DO OPEN ON THE CONFIRMATION REPORT.

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. ON FEBRUARY 23, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE HELD A HEARING ON THE APPOINTMENT OF MARY GERDES TO THE STATE HIGHWAY COMMISSION AND THE COMMITTEE UNANIMOUSLY VOTED TO ADVANCE THE CONFIRMATION TO THE FLOOR. MS. GERDES WILL SERVE AS THE COMMISSIONER FOR DISTRICT 1 IN SOUTHEAST NEBRASKA, WHICH INCLUDES LINCOLN. IN HER TESTIMONY, SHE EMPHASIZED THAT SHE IS VERY SENSITIVE TO THE NEEDS OF BOTH OUR RURAL AND URBAN COMMUNITIES. MS. GERDES HAS BEEN ACTIVE IN AGRICULTURE FOR A NUMBER OF YEARS AND IS NOT NEW TO PUBLIC SERVICE. SHE HAS SERVED ON THE BOARD FOR THE NEBRASKA FARM BUREAU FEDERATION, THE NEBRASKA PORK PRODUCERS ASSOCIATION, AND AG BUILDERS. WE ARE GRATEFUL TO MS. GERDES FOR HER WILLINGNESS TO SERVE ON THE HIGHWAY COMMISSION. AND

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WE HOPE YOU'LL JOIN US IN CONFIRMING HER APPOINTMENT. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES.

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. DISCUSSION IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO GO SPEAK, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE, AND SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 795.) 31 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THE CONFIRMATION REPORT IS ADOPTED. PROCEEDING NOW ON THE AGENDA: GENERAL FILE APPROPRIATION BILL. MR. CLERK. [LB746A]

ASSISTANT CLERK: MR. PRESIDENT, LB746A, INTRODUCED BY SENATOR CAMPBELL. (READ TITLE.) [LB746A LB746]

PRESIDENT FOLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB746A. [LB746A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS APPROPRIATION BILL COMES AND WILL COME OUT OF CASH FUNDS FOR THE STRENGTHENING FAMILIES ACT WHICH WE DISCUSSED LAST WEEK. IT IS PRIMARILY FOR EDUCATION AND TRAINING THAT WILL NEED TO BE DONE ON THE JUDICIARY BRANCH, AND WOULD ENCOURAGE YOUR GREEN VOTE ON THE BILL. AND AGAIN, THE FUNDS COME FROM CASH FUNDS FOR EDUCATION AND TRAINING. THANK YOU, MR. PRESIDENT, AND THAT CONCLUDES MY OPENING ON LB746A. [LB746A]

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PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. DISCUSSION IS NOW OPEN ON LB746A. SEEING NO SENATORS WISHING TO GO SPEAK. SENATOR CAMPBELL, YOU'RE RECOGNIZE TO DO CLOSE; AND SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB746A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE, THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB746A]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB746A]

PRESIDENT FOLEY: LB746A ADVANCES. MOVING NOW TO GENERAL FILE: 2016 SENATOR PRIORITY BILLS. MR. CLERK. [LB746A]

ASSISTANT CLERK: MR. PRESIDENT, LB83 WAS INTRODUCED BY SENATOR COOK. (READ TITLE.) THE BILL WAS REFERRED TO THE BUSINESS AND LABOR COMMITTEE. THAT COMMITTEE REPORTED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. THOSE AMENDMENTS ARE NOW BEFORE US. (AM2191, LEGISLATIVE JOURNAL PAGE 677.) [LB83]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON LB83. [LB83]

SENATOR COOK: GOOD MORNING, COLLEAGUES. THANK YOU, MR. PRESIDENT. I WILL REFRESH THE BODY ON PART OF OUR DISCUSSION YESTERDAY AND REMIND THEM THAT I INTRODUCED LB83 LAST YEAR, LAST JANUARY 2015, TO ALLOW FOR WAGE DISCLOSURE. MORE SPECIFICALLY, TO ESTABLISH AND PROTECT AN EMPLOYEE'S RIGHT TO VOLUNTARILY DISCLOSE HIS OR HER OWN WAGES. THE BILL WOULD HAVE PRESERVED AN EMPLOYEE'S RIGHT...EMPLOYER'S RIGHT TO PROTECT PROPRIETARY INFORMATION, TRADE SECRET INFORMATION, AND OTHER LEGALLY PRIVILEGED INFORMATION. IT DID NOT REQUIRE EMPLOYERS TO PROVIDE WAGE INFORMATION. HOWEVER, BEFORE US FOR CONSIDERATION TODAY IS A PROPOSED COMMITTEE AMENDMENT, AM2191 TO LB83. THAT AMENDMENT, WHICH I HAVE AGREED TO, TAKES A

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PROVISION FROM SENATOR MELLO'S LB928. I WILL NOTE THAT LB928 HAD A PUBLIC HEARING EARLIER THIS SESSION. UPON ADOPTION OF THE COMMITTEE AMENDMENT, THE ORIGINAL CONTENTS OF LB83 WOULD BE STRUCK AND REPLACED WITH A SINGLE PROVISION TO PROVIDE OUR STATE WAGE DISCRIMINATION LAWS TO APPLY TO EMPLOYERS WITH TWO OR MORE EMPLOYEES. CURRENTLY, NEBRASKA STATE LAW APPLIES TO BUSINESSES WITH 15 OR MORE EMPLOYEES. I WOULD LIKE TO EMPHASIZE THAT THIS CHANGE IS ONLY APPLICABLE TO WAGE DISCRIMINATION PURSUANT TO THE FEDERAL EQUAL PAY ACT AND NOT TO ANY OTHER KIND OF DISCRIMINATION. THE EFFECT OF THIS CHANGE IS NOT DRAMATIC AND CERTAINLY NOT BURDENSOME, AS SOME HAVE BEEN CONCERNED ABOUT. EMPLOYEES, INCLUDING THOSE WITH 15 OR FEWER...EMPLOYERS, INCLUDING THOSE WITH 15 OR FEWER EMPLOYEES, ALREADY HAVE TO COMPLY WITH THE FEDERAL WAGE DISCRIMINATION LAWS, INCLUDING THE MAINTENANCE OF THEIR RECORDS. LB83, WITH THE ADOPTED COMMITTEE AMENDMENT, WOULD NOT REQUIRE ADDITIONAL PAPERWORK. THE PROPOSAL SIMPLY UPDATES OUR STATE LAW, ALIGNING IT WITH FEDERAL LAW. THE PROPOSED AMENDMENT WOULD ENABLE NEBRASKANS WORKING AT A BUSINESS WITH FEWER THAN 15 EMPLOYEES TO FILE A WAGE DISCRIMINATION COMPLAINT WITHIN OUR STATE, TO FILE IT WITH THE NEBRASKA EQUAL OPPORTUNITY COMMISSION. CURRENTLY, IT IS THE FEDERAL EQUAL OPPORTUNITY...EQUAL EMPLOYMENT COMMISSION, WITH JURISDICTION OVER BUSINESSES WITH FEWER THAN 15 EMPLOYEES. ONCE AGAIN, LB83, ONCE THE AMENDMENT IS ADOPTED, ALIGNS OUR STATE LAW WITH FEDERAL LAW. IT PROVIDES FOR MORE NEBRASKANS TO BE ABLE TO GO TO OUR OWN STATE COMMISSION IF THERE ARE CONCERNS REGARDING WAGE DISCRIMINATION. I ASK THAT YOU JOIN ME IN SUPPORTING THE COMMITTEE AMENDMENT AND VOTE TO ADVANCE LB83 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB83 LB928]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. BEFORE I MOVE THE SPEAKING QUEUE, SENATOR BURKE HARR, WOULD YOU LIKE TO TAKE A MOMENT JUST TO REFRESH US ON THAT COMMITTEE AMENDMENT? IT'S YOUR OPTION. [LB83]



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SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. I THINK SENATOR COOK HANDLED IT VERY WELL. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. MR. CLERK. [LB83]

ASSISTANT CLERK: MR. PRESIDENT, I HAD AN AMENDMENT TO THE COMMITTEE AMENDMENTS FROM SENATOR KINTNER, BUT I HAVE A NOTE HE WISHES TO WITHDRAW. [LB83]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE AMENDMENT IS WITHDRAWN. SENATOR KINTNER, YOU ARE FIRST IN THE SPEAKING QUEUE, YOU ARE RECOGNIZED. [LB83]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I THINK THAT SENATOR COOK SAID IT FAIRLY SUCCINCTLY WHAT THIS BILL IS ABOUT. WITH A COUPLE THINGS I WOULD CHANGE THAT SHE SAID. BUT FIRST THING I WANT TO SAY IS LET'S TURN THE RHETORIC DOWN. I THINK IT WAS A LITTLE OUT OF CONTROL YESTERDAY. IF YOU OPPOSE THIS BILL, YOU'RE NOT ANTIWOMAN OR ANYTHING LIKE THAT. YOU JUST DON'T THINK IT'S NEEDED, THAT'S FINE, YOU CAN DO THAT. THIS IS NOT...AND I'LL, ON THE FLIP SIDE, I'LL SAY THIS IS PROBABLY NOT THE WORST THING THAT'S EVER GOING TO HAPPEN IN OUR STATE IF THIS BILL GETS PASSED. BUT RIGHT NOW, WE HAVE A FEDERAL LAW THAT APPLIES TO ALL BUSINESSES WITH MORE THAN ONE EMPLOYEE. AND WE'RE TOLD THAT THE STATE, THEY WANT TO TAKE THE STATE LAW AND MAKE IT LIKE THE FEDERAL LAW. WELL, IT'S GOT TO BE DIFFERENT. I THINK WHAT'S DIFFERENT IS, IS THE REQUIREMENT IN THE PAPERWORK AND STUFF THAT ARE IN THE LAW. NOW 40 YEARS AGO, THIS LAW WAS PASSED AND THINGS WERE QUITE A BIT DIFFERENT 40 YEARS AGO. THIS IS 2016. PLEASE TELL ME WHAT BUSINESS GETS AHEAD BY NOT PAYING ITS EMPLOYEES WHAT THEY'RE WORTH, BY PAYING A FEMALE EMPLOYEE MORE THAN A MALE EMPLOYEE OR A MALE EMPLOYEE DOING THE SAME JOB MORE THAN THE FEMALE EMPLOYEE? I MEAN, YOU WOULD BE HAULED INTO COURT. I MEAN, IT WOULD BE BAD PRESS. YOU'D PAY A LOT OF

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LEGAL FEES. IT JUST DOESN'T MAKE SENSE AND IT'S NOT BEEN A PROBLEM IN OUR STATE. AND WE CAN'T THROW UP OUR HANDS AND WE PASS AN AWFUL LOT OF LAWS, OH, IT'S NOT WORTH THE FIGHT, IT'S NOT WORTH THE EFFORT, JUST LET IT GO. AND WE START GROWING OUR CRIMINAL CODE AND OUR CIVIL LAWS LITTLE BY LITTLE BECAUSE NO ONE WANTS TO JUST SAY NO. WELL, SOMETIMES YOU GOT TO SAY NO. WHAT I'VE GOT IN MY HANDS, I'VE GOT TWO THINGS. ONE, THE AGE DISCRIMINATION EMPLOYMENT ACT, AND THAT KICKS IN...I'M LOOKING HERE, IT'S 48-1002 IN STATE LAW, AND IT KICKS IN--EMPLOYER MEANING ANY PERSON HAVING IN HIS EMPLOYMENT 20 OR MORE EMPLOYEES FOR EACH WORKING DAY. SO WITH THE AGE DISCRIMINATION ACT, WE'RE AT 20 EMPLOYEES. I'M NOT INVITING MY COLLEAGUES ON...MY FRIENDS ON THE LEFT TO COME AND FIX THAT ONE AND GET IT DOWN TO TWO EITHER. AND THEN OF COURSE THE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT IS AT 15. SO WE FOUGHT THIS OUT 40 YEARS AGO AND WE THOUGHT, WELL, WE'RE GOING TO MAKE THEM DO A LITTLE MORE WORK AND KEEP SOME MORE RECORDS AND MORE PAPERWORK, BUT WE'RE GONNA EXEMPT IT AT 15. SO IF YOU'VE GOT THREE EMPLOYEES, HOW DO YOU PROVE YOU'RE PAYING ONE MORE THAN THE OTHER IF THEY'RE ALL DOING DIFFERENT JOBS? THE OTHER THING I POINT OUT, IF YOU HAVE 15 EMPLOYEES, YOU PROBABLY HAVE AN OFFICE MANAGER THAT CAN DO THE PAPERWORK AND DO ALL THIS STUFF. IF YOU'VE GOT THREE EMPLOYEES, YOU KNOW, OR TWO EMPLOYEES, IF YOU'RE FILLING OUT PAPERWORK AND DOING ALL THIS STUFF, YOU'RE NOT MAKING MONEY. YOU DON'T HAVE ANYONE DOING IT FOR YOU, YOU'RE DOING THAT YOURSELF. SO I THINK THIS IS UNNEEDED. I THINK WE CORRECTLY GOT IT RIGHT 40 YEARS AGO WHEN WE PASSED THIS LAW. AND I WOULD ENCOURAGE MY FELLOW SENATORS TO JUST SAY NO. WE DON'T NEED THIS. THIS ISN'T GOING TO HELP ANYONE AND IT DOESN'T NEED TO...THE LAW DOESN'T NEED TO CHANGE. I THINK IT'S WORKED VERY WELL FOR 40 YEARS, IN MY OPINION. THANK YOU, MR. PRESIDENT. [LB83]

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PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. (VISITORS INTRODUCED.)  
RETURNING NOW TO DEBATE. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED.  
[LB83]

SENATOR CRAIGHEAD: THANK YOU, LIEUTENANT GOVERNOR, AND GOOD MORNING, COLLEAGUES. IN 1972, HELEN REDDY RECORDED A SONG CALLED "I AM WOMAN, HEAR ME ROAR." NOW YOU KNOW WHAT, IT MIGHT BE 2016, BUT WE AREN'T DONE ROARING YET. I STAND IN SUPPORT OF LB83 AND AM2191. COLLEAGUES, THIS IS CALLED TRANSPARENCY, NOTHING MORE. WOMEN DO MAKE AN AVERAGE OF 78 CENTS ON A DOLLAR COMPARED TO MEN. AND I DON'T KNOW ABOUT YOU, BUT MY RENT IS NOT 78 PERCENT OF WHAT MEN PAY. MY LOAF OF BREAD AT THE GROCERY STORE IS NOT 78 PERCENT OF WHAT MEN PAY. SO YEAH, WE STILL DO HAVE DISCRIMINATION. IF YOU'RE A SINGLE MOM, A SINGLE WOMAN, A BUSINESS OWNER, YOU KNOW. THIS ISSUE IS ALIVE AND WELL AND WE NEED TO DEAL WITH IT AND I SUGGEST THAT WE DO THAT TODAY. LET ME GIVE YOU A COUPLE GERMANE EXAMPLES THAT I THINK FIT WITH THIS VERY WELL. THESE ARE TRUE STORIES. A WOMAN, DEPUTY COUNTY CLERK, WORKED FOR A WONDERFUL MAN WHO WAS THE COUNTY CLERK. THIS GENTLEMAN WAS KILLED IN A FREAK ACCIDENT WHEN HE FELL OFF A HORSE. SO THE DEPUTY COUNTY CLERK WAS TOLD BY THE COUNTY COMMISSIONERS--WE KNOW YOU'RE THE MOST QUALIFIED, BUT WE WON'T HIRE YOU BECAUSE YOU'RE A WOMAN. OKAY? ANOTHER TRUE STORY: WOMAN GOES IN TO GET A BANK LOAN FOR A BUSINESS AND IS TOLD--WE WON'T GIVE YOU THE LOAN UNLESS YOUR HUSBAND COSIGNS FOR THIS NOTE. WHAT'S FAIR ABOUT THAT? ESPECIALLY WHEN WOMEN ARE QUALIFIED. UNLESS YOU ARE A WOMAN, IF YOU'VE BEEN A SINGLE WOMAN, A SINGLE MOM, THEN HOW DO YOU KNOW, COLLEAGUES, THAT THERE IS NOT DISCRIMINATION OUT THERE? WHEN HALF OF THIS WORLD, AND I'M GOING TO SAY 51 PERCENT OF THIS WORLD IS RUN BY WOMEN, THEN WE HAVE EQUALITY. AND COLLEAGUES, I ASK YOU TO PLEASE SUPPORT THIS BILL AND THE AMENDMENT. THANK YOU. [LB83]

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PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB83]

SENATOR BRASCH: GOOD MORNING, MR. PRESIDENT, AND COLLEAGUES. I'M STANDING TODAY IN RESPONSE TO A COMMENT THAT WAS SAID BY A FELLOW WOMAN AND A FELLOW COLLEAGUE WHO, IN MY OPINION, HAD SAID SOMETHING RATHER UNUSUAL THAT I DON'T BELONG HERE. AND I DON'T BELONG HERE BECAUSE I DON'T AGREE WITH WHAT'S BEING SAID ABOUT WAGE DISCRIMINATION. AND THE FLOOR IS FOR DEBATE. I THINK OUR CONSTITUENTS DECIDE WHO BELONGS HERE. THEY DECIDE THAT EVERY FOUR YEARS. AND THAT IS THE ROLE OF THE SECOND HOUSE. NOT ANY OF THE 49 TO DETERMINE WHO IS WORTHY TO COME BACK OR WHAT IS WORTHY OF DEBATE AND WHAT'S NOT WORTHY OF DEBATE. AND THE REASON THAT I LOOKED AT THIS VERY CAREFULLY IS BECAUSE IT IS A BILL THAT WAS BASICALLY EMPTIED OUT TO PUT ANOTHER BILL IN IT. AND YESTERDAY I DID MY DILIGENCE AND I CALLED ONE OF THE OPPONENTS OF THE BILL THAT WAS GUTTED AND THE BILL THAT WAS REPLACED. AND THAT OPPONENT DOES NOT HAVE AN ISSUE WITH THE CHANGE, BUT THE FACT...AND I'M HEARING FROM SEVERAL PEOPLE THAT THIS LEGAL PIECE OF PAPER IS REDUNDANT. IT'S REDUNDANT FROM FEDERAL LAW. THIS LAW WAS IN PLACE ALREADY IN THE CIVIL RIGHTS ACT OF 1964 AND TITLE VII PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, AND NATIONAL ORIGIN. AND THEN WHAT WAS BROUGHT TO MY ATTENTION AGAIN WAS THE FACT THAT DURING THE FIRST TERM OF PRESIDENT OBAMA, HE ALSO ADDED AMENDMENT...EXCUSE ME...CALLED THE LILY LEDBETTER FAIR PAY ACT OF 2009 ADDRESSING THE LENGTH OF TIME THAT ONCE WAS REQUIRED TO CHALLENGE A PAYCHECK AND IT BASICALLY TOOK AWAY THAT LENGTH OF TIME. I AM A WOMAN AND I KNOW THE HISTORY THAT SENATOR CRAIGHEAD WAS REFERRING TO. IN MY LIFETIME I RAN INTO MANY SITUATIONS WHERE THE PERSON THAT YOU COMPETED WITH WAS A MALE FOR A JOB, JOB OPENING, JOB PAY. AND IT IS MY HOPE THAT WE ARE HIRED UPON MERIT, MERIT AND CREDENTIALS. AND THEN THE LAW PROTECTS US. AND I'M NOT CERTAIN OF THE NUMBER. I'D LIKE TO KNOW THE NUMBER OF LAWSUITS IN

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PLACE TODAY THAT WE HAVE LAWS TO PROTECT US. AND I DO BELIEVE THAT WOMEN'S ROLES HAVE CHANGED SIGNIFICANTLY SINCE THE WAR AND SINCE THE FACT THAT MANY WOMEN ARE NOW IN THE WORK FORCE AND MANY WOMEN ARE BUSINESS OWNERS. MANY WOMEN ARE NATIONAL LEADERS, MILITARY. THE WORLD IS CHANGING. MAYBE NOT FAST ENOUGH FOR US, BUT I DON'T BELIEVE A PIECE OF PAPER, A LAW THAT IS ALREADY IN PLACE IS GOING TO CHANGE THAT. MY CONCERN AT THIS POINT IS THE FACT THAT CHANGING THE NUMBER OF EMPLOYEES FROM 15 TO 2 COULD BE BURDENSOME... [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR BRASCH: ...PERHAPS, IN SOME OF OUR SMALLER COMMUNITIES. BUT I BELIEVE THAT FOR US THE EMPLOYMENT POOL IS MORE NARROW AND IT'S VERY COMPETITIVE TO GET THAT EMPLOYEE, SO THE PAY IS BASED ON THE NEED AND THE POSITION. AGAIN, COLLEAGUES, I QUESTION IF THIS IS THE SILVER BULLET, THE MAGIC THAT WILL TURN THE WHOLE WORLD INTO A BETTER PLACE FOR MEN, WOMEN, AND WHAT'S ALREADY IN OUR CIVIL RIGHTS ACT. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB83]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS PROPOSAL IS MODEST AT BEST. IT IS EMINENTLY FAIR AND JUST. IT IS NECESSARY. IF THERE WERE NO PROBLEM, AS SENATOR BRASCH SEEMS TO THINK, WORTHY OF ATTENTION, THERE WOULDN'T BE THE EFFORT TO HAVE THIS WORK DONE. IT WOULD NOT HAVE BEEN CONTENTIOUS. IT WOULD NOT HAVE LED TO A COMPROMISE BY THOSE WHO WILL BE AFFECTED. WE DO THINGS IN THE LEGISLATURE INCREMENTALLY. IF ANYBODY COULD COME UP WITH A SOLUTION THAT WOULD CHANGE THE WORLD AND MAKE IT A BETTER PLACE, THAT ONE IS TALKING TO YOU RIGHT NOW. BUT BECAUSE OF THE NEGATIVE ATTITUDES THAT EXIST IN THIS SOCIETY, BECAUSE OF THE COLOR OF

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MY SKIN, MUCH OF WHAT I RECOMMEND IS REJECTED OUT OF HAND BECAUSE OF THAT, EVEN WITHOUT A HEARING. I'M GONNA DEPART FROM THIS BILL AND COME BACK TO IT BECAUSE I CAN'T SAY EVERYTHING I WANT TO ON THIS TIME. I'M GLAD THAT DONALD TRUMP IS THE BOMB AS I SAID HE WAS IN THE "REPELICAN" PARTY. HE HAS EXPLODED AND HE'S DOING WHAT A BOMB IS SUPPOSED TO DO. HE'S BLASTING EVERYTHING TO SMITHEREENS. BUT WHAT HE'S DOING FOR BLACK PEOPLE IS CONFIRMING WHAT WE'VE ALWAYS SAID ABOUT THE RACISM, THE BIGOTRY OF THE "REPELICAN" PARTY. THE MORE OUTRAGEOUS HE BECOMES, THE MORE INSULTING HE BECOMES, THE MORE VULGAR AND GUTTER MOUTH HE BECOMES, THE MORE WHITE "REPELICANS" FLOCK TO HIM. SO NOW THAT ARGUMENT, WE DON'T HAVE TO MAKE IT ANYMORE, ALL WE HAVE TO DO IS SAY--DONALD TRUMP, AND THAT SAYS IT ALL. HE'S GOING TO BE THE REPRESENTATIVE OF THE "REPELICAN" PARTY RUNNING FOR PRESIDENT OF THE UNITED STATES. WHILE THOSE WHO ARE RUNNING ARE TRYING TO SHOW HOW VICIOUS THEY CAN BECOME IN THEIR RACE TO THE BOTTOM OF THE GUTTER, THE REST OF THE COUNTRY COMPRISES PEOPLE WHO ARE NOT "REPELICANS." AND THERE ARE "REPELICANS" WHO ARE REPULSED BY HIM. BUT TO SHOW HOW THE "REPELICAN" HIERARCHY OPERATES, THEY HAVE ALL ENDORSED HIM AND TRUMP KNOWS THIS. AND HERE IS HOW THEY DO IT. THEY SAY OH, WE DON'T LIKE HIS GOING ALONG WITH THE KU KLUX KLAN AND DAVID DUKE AND ALL THIS. BUT INSIDE THEY'RE SAYING, THANK GOD HE'S DOING IT BECAUSE WE WON'T SAY IT. AND HERE HOW THEY THEN ENDORSE HIM. HOWEVER, WE WILL SUPPORT WHOEVER THE NOMINEE IS, WHICH WILL BE DONALD TRUMP. SO HE'S CARRYING THE BANNER FOR THOSE WHO ARE TOO COWARDLY TO SAY OPENLY AND FORTHRIGHTLY WHAT HE IS SAYING. HE TOOK THE PULSE OF THE "REPELICAN" PARTY. WHY DO YOU THINK HE JUST BECAME ONE? WHY DO YOU THINK HE'S JUST NOW TALKING ABOUT BEING A GREAT CHRISTIAN? AND INSTEAD OF SAYING SECOND CORINTHIANS, HE SAYS TWO CORINTHIANS. HE CAN SAY IT THE WAY HE WANTS TO BECAUSE HE HASN'T BEEN IN THE GAME LONG ENOUGH TO LEARN HOW A HYPOCRITE MAKES HIMSELF CREDIBLE. SO THAT'S WHAT'S GOING TO HAPPEN. HE HAS SAID THINGS ANTIWOMAN, ANTIMEXICAN, ANTIMUSLIM, ANTIBLACK, AND IF HIS ADVISERS

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SUCH AS DAVID DUKE CAN REMIND HIM, HE'LL THROW IN THE NATIVE AMERICANS ALSO. BUT AT ANY RATE, WHEN I HEAR SOME OF THE OBJECTIONS TO THIS BILL, THIS MODEST PROPOSAL IN THIS AMENDMENT, I AM REPULSED. I DIDN'T SAY ANYTHING YESTERDAY BECAUSE IT SEEMED TO ME THAT THE CONTENDING PARTIES HAVING REACHED AN AGREEMENT ON SOMETHING THAT IS SO REASONABLE, THERE WOULD NOT BE SIGNIFICANT OPPOSITION. BUT I DO WANT TO BE ON THE RECORD SUPPORTING THIS PROPOSAL. AND WHEN WOMEN WHO HAVE HAD TO WORK AND DIDN'T MARRY SOMEBODY WHO CAN TAKE CARE OF THEM WILL STAND UP AND SAY... [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR CHAMBERS: ...I'M SATISFIED MAKING LESS THAN A MAN MAKES FOR DOING THE SAME THING, THEN I'LL SAY, MAYBE SOMETHING IS WRONG, BUT NOT IN TERMS OF SAYING WOMEN SHOULD BE PAID THAT WAY. BUT WITH THE SYSTEM THAT CONDITIONS WOMEN TO SUCH AN EXTENT THAT THEY ACCEPT WRONGFUL, ILLICIT TREATMENT AS APPROPRIATE. BUT NOT JUST CONDITIONING WOMEN TO ACCEPT IT, BUT CONDITIONING MEN TO DO IT JUSTIFY IT AND SAY THAT'S THE WAY IT'S SUPPOSED TO BE. BUT I'LL TELL YOU THIS, THE ONE YOU CALL GOD AND WORSHIP AND PRAY TO EVERY MORNING, HE HAD A MAMA AND SHE WAS A WOMAN. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BURKE HARR, FOLLOWED BY SENATOR FRIESEN, SENATOR KINTNER, AND SIX OTHERS. SENATOR BURKE HARR. [LB83]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I JUST WANT TO PIGGY BACK ON WHAT SENATOR CHAMBERS SAID. THIS IS NOT A SILVER BULLET. THIS IS ANOTHER STEP. IT'S A COMPROMISE BILL. IT IS A WAY OF MAKING SURE IN A SOUND RESPONSIBLE WAY THAT...AND TO BE QUITE HONEST, IN A COST EFFECTIVE WAY, THAT IF THERE IS DISCRIMINATION, THERE IS A PROPER INVESTIGATION. IT'S DONE BY A STATE AGENCY...WELL, ACTUALLY,

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LET ME TAKE A STEP BACK. WHAT HAPPENS IS IF SOMEONE FEELS THERE IS WAGE DISCRIMINATION, IT'S USUALLY AFTER THEY LEAVE THE JOB. THEY THEN FILE WITH THE NEOC. THE NEOC THEN PARTNERS WITH THE EEOC. THE EEOC CONDUCTS THE INVESTIGATION. THE NEOC THEN CAN EVALUATE THAT INVESTIGATION. THEY MAY DO MORE FOLLOW-UP THEY WANT TO OR NOT. IF THERE IS FOUND THAT THERE IS WAGE AND WAGE ONLY DISCRIMINATION, THEN THEY BRING THE PARTIES TOGETHER AND THEY TRY TO MEDIATE A SOLUTION. IF THEY ARE UNABLE TO MEDIATE A SOLUTION, THE ONUS IS AT THAT POINT ON THE EMPLOYEE AND/OR FORMER EMPLOYEE TO SUE. SO THERE MAY NOT BE A LOT OF LAWSUITS OUT THERE. BUT THAT DOESN'T MEAN THERE IS NOT DISCRIMINATION. THE NUMBER OF LAWSUITS IS NOT DETERMINATE OF HOW MUCH DISCRIMINATION THERE IS OR THERE IS NOT. BUT AGAIN, THERE IS NO COST TO THE EMPLOYEE. THIS IS DONE THROUGH THE STATE AND THERE IS NO COST TO THE EMPLOYER UNLESS THEY CHOOSE TO HIRE AN ATTORNEY. AND AGAIN, THEY REALLY DON'T NEED TO HIRE ANYONE UNTIL THERE IS A LAWSUIT, WHICH IS QUITE A WAYS DOWN THE ROAD. SO I FEEL THIS IS A GOOD COMPROMISE BILL. I WOULD ASK FOR YOUR SUPPORT ON IT. I'D BE MORE THAN WILLING TO ENTERTAIN ANY QUESTIONS ANYONE MAY HAVE. WITH THAT I WOULD GIVE THE REMAINDER OF MY TIME TO SENATOR MELLO. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR MELLO, ABOUT THREE MINUTES. [LB83]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. JUST TO RECAP A LITTLE BIT ABOUT WHAT WE HAVE IN FRONT OF US WITH AM2191. AM2191 WAS A COMPONENT OF LB928 THAT WE HAD WORKED OUT A COMPROMISE WITH THE OPPOSITION TO THE BILL BASED ON A NUMBER OF OTHER ASPECTS IN THE BILL. IN PART, BECAUSE OF MOVING THE CURRENT STATE THRESHOLD FROM 15 TO 2 EMPLOYEES SIMPLY MIRRORS THE EXISTING FEDERAL LAW. AND ESSENTIALLY THE MIRRORING OF THE EXISTING FEDERAL LAW WITH THE STATE LAW WOULD ALLOW SOMEONE WHO FILES A WAGE



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DISCRIMINATION CASE AGAINST AN EMPLOYER TO BE ABLE TO GO TO THE NEBRASKA EQUAL OPPORTUNITY COMMISSION, IF THEY WORK FOR AN EMPLOYER OF 11 OR 10 OR 13 OR 4, INSTEAD OF HAVING TO GO TO THE FEDERAL LEVEL. AND AS WE'VE DISCUSSED, FILING A FEDERAL EEOC CASE IS MORE ARDUOUS, IT'S MORE EXPENSIVE, BUT IT'S MORE EXPENSIVE FOR THE BUSINESS AS MUCH AS IT'S EXPENSIVE FOR THE PLAINTIFF WHO IS FILING THE WAGE DISCRIMINATION CASE. SO IN THE DISCUSSIONS WITH THE BUSINESS COMMUNITY ON THE AMENDMENT WE HAVE IN FRONT OF YOU, THE UNDERLYING CONCEPT IS--IF WE CAN DIRECT MORE CASES TO THE NEOC IN STATE, THAT HAS A COST EFFICIENCY FOR BUSINESSES, AS WELL AS PLAINTIFFS, AS THEY TRY TO SEEK SOME KIND OF REDRESS IN REGARDS TO FEELING THAT THEY WERE DISCRIMINATED AGAINST. THERE ARE A NUMBER OF OTHER COMPONENTS THAT WE DID NOT INCLUDE IN THE STATE LAW IN COMPARISON TO THE FEDERAL LAW. WE SIMPLY JUST ALIGNED THE THRESHOLD FROM 15 TO 2. THERE IS OTHER COMPONENTS IN THE FEDERAL LAW THAT ARE NOT AS PART OF THIS AMENDMENT BECAUSE WE DID NOT MAKE A COMPROMISE AND COULD NOT FIND AN AGREEMENT ON THAT. SO I JUST WANT TO CLARIFY, BASED ON WHAT WE HEARD YESTERDAY, THAT THIS WAS QUOTE/UNQUOTE, GOING TO BE ARDUOUS FOR BUSINESSES. WE ARE ASKING THEM TO DO ALL OF THESE THINGS THAT THEY'RE CURRENTLY NOT DOING. [LB83 LB928]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR MELLO: COLLEAGUES, SMALL BUSINESS IN NEBRASKA ALREADY HAVE TO DO ALL OF THIS ACTIVITY BASED ON THE FEDERAL LAW. IT'S SIMPLY THE ISSUE IS WHERE DO YOU FIND A PATHWAY FOR ALLOWING AN EMPLOYEE AND AN EMPLOYER TO GO TO DEAL WITH THE LEGAL ISSUES WHERE DISCUSSING IT WITH THE BUSINESS COMMUNITY, THERE WAS A BELIEF THAT GOING THROUGH THE NEOC, THE STATE LEVEL, WAS A MORE APPROPRIATE PATHWAY FOR MORE CASES AND NEBRASKANS INSTEAD OF GOING TO THE FEDERAL LEVEL. AND AS SENATOR STINNER JUST MENTIONED, MOST OF THAT COURT CASE IS AFTER THE EEOC MAKES YOU GO TO DENVER TO FEDERAL COURT TO DEAL WITH THESE

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ISSUES IN COMPARISON TO DEALING WITH DISTRICT COURTS IN NEBRASKA. SO COLLEAGUES, I THINK THIS IS A VERY MODEST REFORM OF THE EXISTING LAW THAT WE WORKED OUT WITH THE BUSINESS COMMUNITY TO, ESSENTIALLY, ELIMINATE THEIR OPPOSITION TO THE UNDERLYING BILL THAT'S NOW AM2191, IF IT GETS ADOPTED. IT DOES GIVE, I WOULD SAY, THOSE WHO DO HAVE A WAGE DISCRIMINATION CASE... [LB83]

PRESIDENT FOLEY: TIME, SENATOR. [LB83]

SENATOR MELLO: OR FILE ONE, ANOTHER PATHWAY AT A LESS COSTLY OPTION FOR BOTH THEM AND THE EMPLOYER. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB83]

SENATOR FRIESEN: THANK YOU, MR. LIEUTENANT GOVERNOR. I GUESS WHEN I LOOK AT SMALL BUSINESS AND HOW IT HAPPENS OUT IN WESTERN OR RURAL NEBRASKA, OUT STATE NEBRASKA, AND I REALIZE THIS WON'T PROBABLY SUPERSEDE WHAT THE...IT WILL MATCH FEDERAL REQUIREMENTS. I GUESS MY CONCERN IS ALWAYS THE UNINTENDED CONSEQUENCES BY MAKING THINGS EASIER. WHEN YOU TAKE A COMPANY THAT HAS THREE, FOUR OR FIVE EMPLOYEES AND SUDDENLY YOU'VE OPENED UP A PATHWAY FOR A DISGRUNTLED EMPLOYEE, WHETHER IT'S MALE OR FEMALE, TO FILE CHARGES AND SUDDENLY YOU HAVE LEGAL FEES AND EVERYTHING ELSE WHEN SMALL BUSINESS IS STRUGGLING, I QUESTION WHETHER WE NEED TO TAKE IT FROM 15 EMPLOYEES ALL THE WAY DOWN TO TWO. I HAVE A LITTLE TROUBLE WITH THAT. I CAN SEE MAYBE GOING DOWN TO A SMALLER NUMBER, BUT I DON'T NECESSARILY AGREE WITH THE FEDERAL NUMBER. SO I'M QUESTIONING WHETHER OR NOT I WANT TO EVEN MATCH THAT. AND IT STILL LEAVES THEM THE OPTION OF FILING UNDER THE FEDERAL OPTION. SO I'M CONCERNED ABOUT THE UNINTENDED CONSEQUENCES AND NOT BEING AN ATTORNEY, I DON'T KNOW IF THERE IS ANY OTHER CHANGES. I GUESS I WILL TRY TO TAKE

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SENATOR HARR'S WORD FOR IT, THERE IS NO OTHER CONSEQUENCES TO THIS AND MAYBE I'LL VISIT WITH HIM FURTHER OFF THE MIKE. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB83]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I DON'T INTEND FOR THIS TO BE AN EXTENDED DEBATE. IT OUGHT NOT TO BE AS EMOTIONAL AS IT'S BECOMING. I BELIEVE THIS BILL WILL DO NOTHING TO HELP WOMEN. IT WILL HURT SMALL BUSINESSES A LITTLE BIT. I'M NOT SURE IT WILL PUT ANYONE OUT OF BUSINESS, BUT IT'S JUST NOT NEEDED. NOW, WE'VE HEARD PEOPLE TALKING ABOUT IN HERE--WOMEN ARE NOT PAID EQUALLY AND THERE IS A WAGE GAP, 70 CENTS FOR...78 CENTS FOR EVERY DOLLAR A MAN MAKES. WELL THAT'S WHY I HANDED OUT A...I THINK IT'S A FOUR OR FIVE-PAGE ARTICLE TO YOU THAT EXPLAINS THAT. I DON'T THINK THIS LAW...THIS LAW DOESN'T DEAL WITH IT, BUT IF YOU THINK IT MIGHT DEAL WITH IT, THEN GO AHEAD AND READ THIS. IF YOU AGREE THIS BILL DOES NOTHING TO CHANGE THIS, THEN YOU DON'T HAVE TO READ IT. HAD A COLLEAGUE COME UP AND SAY THAT...GIVE AN EXAMPLE OF A WOMAN THAT WAS DENIED A JOB AND THE GUY LOOKED AT HER AND SAID--YOU'RE A WOMAN, YOU'RE NOT GETTING A JOB. WHO WOULD DO THAT? THAT MUST BE FROM 40 YEARS AGO, BECAUSE I COULDN'T IMAGINE SOMEONE SAYING THAT AND THEN GETTING HAULED INTO COURT. DID YOU SAY THAT? YES. WELL THEN YOU'RE GUILTY. I DON'T SEE THIS LAW DOING ANYTHING ABOUT THAT. IF YOU'RE DUMB ENOUGH TO SAY THIS, ONLY DUMB ENOUGH TO NOT PAY PEOPLE WHAT THE LAW REQUIRES YOU, THEN YOU DESERVE EVERYTHING YOU GET. THIS BILL ISN'T GOING TO HELP ANYONE RECOVER ANY MONEY. THIS BILL IS GONNA DO NOTHING BUT ALLOW A FEW PEOPLE TO SAY HEY, I PASSED SOMETHING TO HELP YOU THAT YOU DOESN'T REALLY HELP YOU. I DON'T THINK WE'RE REALLY HERE TO DO THAT. BUT AGAIN, IT'S NOT WORTH US SPENDING A BUNCH OF HOURS ON IT. I DON'T THINK THIS RISES TO THE LEVEL OF ANYTHING MORE THAN AN UNNEEDED BILL WHICH IS A SMALL BURDEN ON

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BUSINESS. IT HELPS NO ONE, IN MY OPINION, AND I WOULD ENCOURAGE US TO...LET'S COME TO A VOTE, LET'S VOTE IT DOWN, LET'S MOVE ON AND HELP THE PEOPLE OF THIS GREAT STATE. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB83]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. I WANT TO TALK A LITTLE BIT ABOUT THE RHETORIC THAT WAS USED YESTERDAY. SENATOR BRASCH MENTIONED IT. COLLEAGUES, LET'S TRY TO STAY CIVIL AND LET'S NOT GO TO NAME CALLING IF WE CAN AVOID IT. ANOTHER ONE OF THE THINGS THAT STUCK OUT YESTERDAY, WE'VE ALL BEEN HERE TWO YEARS NOW, AT LEAST. AND WE KNOW SENATOR BRASCH'S NAME IS SENATOR BRASCH, NOT SENATOR BRASH (PHONETIC). JUST THOSE LITTLE VERBAL JABS THAT DON'T NEED TO TAKE PLACE HERE, WE CAN AVOID THEM. WE CAN BE POLITE TO ONE ANOTHER WHEN WE DISAGREE. IF YOU LOOK AT THE COMMITTEE STATEMENT ON THE BILL, YOU'LL NOTICE I DID NOT VOTE FOR IT OUT OF COMMITTEE. THAT'S BECAUSE I THINK THE NUMBER TWO IS TOO LOW. AM I TOTALLY OPPOSED TO THE IDEA? NO, ABSOLUTELY NOT. BUT SENATOR STINNER MENTIONED IT, SENATOR KINTNER MENTIONED IT. WHEN YOU HAVE A STRUGGLING BUSINESS OF THREE OR FOUR PEOPLE AND YOU START PILING MORE GOVERNMENT REGULATIONS ON THEM, IT'S AWFUL TOUGH FOR THAT BUSINESS TO SURVIVE. I SEE SENATOR KINTNER HAD AN AMENDMENT IN TO TAKE THAT NUMBER TO 13. I WOULDN'T BE OPPOSED TO GOING TO TEN. BUT I THINK WHEN YOU'RE DEALING WITH BUSINESSES WITH THREE AND FOUR EMPLOYEES, NOT ONLY IS IT DIFFICULT FOR THE BUSINESS, THEY PROBABLY DON'T KEEP RECORDS ON WHICH EACH EMPLOYEE DOES. SO HOW DO YOU KNOW IF YOU'RE PAYING FOR COMPARABLE WORK? COLLEAGUES, I SAID I DID NOT VOTE THIS OUT OF COMMITTEE THE WAY IT STANDS NOW. I'LL PROBABLY NOT VOTE FOR IT ON THE FLOOR EITHER. THANK YOU, MR. PRESIDENT. [LB83]

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PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB83]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WHEN WE VOTE ON A BILL, WE DON'T SEE THE WHOLE LAW. THIS LOOKS INNOCUOUS ON THE SURFACE. IT TAKES 15 DOWN TO TWO. ONE NUMBER TO ANOTHER NUMBER. WHAT IT REALLY SAYS IS A LAW, A WHOLE BUNCH OF PAGES ARE NOW GOING TO APPLY TO EVERY EMPLOYER IN THE STATE BECAUSE AN EMPLOYER BY DEFINITION HAS AN EMPLOYEE TO BE AN EMPLOYER, SO TWO PEOPLE. EVERY EMPLOYER IN THE STATE IS BROUGHT UNDER THE PURVIEW OF AN EXISTING LAW. AND LET'S LOOK A LITTLE BIT WHAT THAT LAW SAYS SO THAT WE KNOW WHAT WE ARE BURDENING OUR SMALL BUSINESS...AND I CAN'T SAY "GUYS," SO I MUST SAY "ITs" WITH. NO EMPLOYER SHALL DISCRIMINATE BY PAYING WAGES LESS THAN THE RATE AT WHICH THE EMPLOYER PAYS AN EMPLOYEE OF THE OPPOSITE SEX...ALMOST BE INTERESTING WHEN WE GET INTO THE TRANSGENDER DEBATE LATER...ON JOBS OF EQUAL NATURE. NOW, THESE WAGE DIFFERENTIALS ARE NOT PROHIBITED WHERE SUCH PAYMENTS ARE MADE PURSUANT TO AN ESTABLISHED SENIORITY SYSTEM, A MERIT INCREASE SYSTEM, OR SYSTEM WHICH MEASURES EARNING BY QUANTITY OR QUALITY OF PRODUCTION OR ANY OTHER FACTOR OTHER THAN SEX. THAT'S WHAT BIGGER BUSINESSES DO, NOT THE LITTLE ITs. LET'S GO ON AND READ SOME OTHER PROVISIONS. THE COMMISSION, THIS IS THIS GROUP AND ITS EMPLOYEES, SHALL HAVE THE POWER TO ENTER THE PLACE OF EMPLOYMENT OF ANY EMPLOYER...DOESN'T HAVE TO DO IT ON CAUSE...THEY HAVE THE POWER TO COME INTO YOUR PLACE OF BUSINESS...TO INSPECT AND COPY PAYROLL RECORDS OR OTHER EMPLOYMENT RECORDS TO COMPARE CHARACTER OF WORK AND OPERATIONS, TO QUESTION PEOPLE, TO OBTAIN SUCH OTHER INFORMATION AS THEY FEEL NECESSARY. THE COMMISSION SHALL HAVE THE POWER TO REQUIRE BY SUBPOENA THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF YOUR DOCUMENTS. LOOKS LIKE SOME EMPLOYERS HAVE TO HIRE ATTORNEYS. THE PENALTY IF YOU ARE FOUND TO NOT MEET THESE WAGE CRITERIA CAN BE A DOUBLE PENALTY AS LIQUIDATED

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DAMAGES, PLUS PAYING FOR THE ATTORNEY FEES. AND THE COMMISSION CAN BRING THE ACTION ON BEHALF OF YOUR EMPLOYEE UP TO FOUR YEARS AFTER THE PROBLEM OR THE ALLEGED PROBLEM OCCURRED. EVERY EMPLOYER, EVERY EMPLOYER IN THIS STATE SHALL MAKE, KEEP, AND MAINTAIN RECORDS OF THE WAGES AND WAGE RATES, THE JOB CLASSIFICATIONS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF THE PERSONS EMPLOYED BY HIM, AND WE OUGHT TO EDIT THIS STATUTE WHILE WE'RE AT IT BY EMPLOYED BY IT, AND SHALL PRESERVE SUCH RECORDS FOR PERIODS OF TIME AND SHALL MAKE SUCH REPORTS THEREFROM AS THE COMMISSION REQUIRES. EVERY EMPLOYER...THIS SOUNDS LIKE SOMETHING APPLIES TO A BIGGER EMPLOYER, NOT SOMEBODY WHO EMPLOYS ONE OR TWO PEOPLE. EVERY PERSON SUBJECT TO THIS ACT, ALL PEOPLE NOW IN THE STATE SHALL KEEP AN ABSTRACT OR COPIES OF THIS LAW POSTED IN CONSPICUOUS PLACES. [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR SCHUMACHER: AN EMPLOYER WHO FAILS TO KEEP THE RECORDS THAT ARE REQUIRED, DOESN'T HAVE TO BE GUILTY OF SEX DISCRIMINATION IN ORDER TO HAVE TO DO IT, YOU GOT TO DO IT WHETHER YOU'RE INNOCENT AS THE DRIVEN SNOW; FURNISH SUCH RECORDS TO THE COMMISSION, OR IN ANY WAY HINDERS OR DELAYS OR INTERFERES WITH THE COMMISSION, OR REFUSES THE OFFICIALS ENTER INTO HIS PLACE OF EMPLOYMENT SHALL BE GUILTY OF A CRIME. THE STATE AND POLITICAL SUBDIVISIONS, LITTLE TINY TOWNS, CAN BE PROSECUTED IN THE SAME MANNER AS A PRIVATE EMPLOYER. SO JUST THINK ABOUT IT. WE'RE APPLYING THAT TO EVERY BUSINESS IN THE STATE. NO EXCEPTIONS. NO MERCY. EVEN IF IT SOUNDS ABSURD THAT A LITTLE "IT" HAS GOT TO KEEP ABSTRACTS, HAS GOT TO HAVE MANUALS OF EMPLOYMENT... [LB83]

PRESIDENT FOLEY: TIME, SENATOR. [LB83]

SENATOR SCHUMACHER: THANK YOU. [LB83]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB83]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB83, AM2191. AND I WANT TO REITERATE A FEW OF THE COMMENTS THAT HAVE BEEN MADE ALREADY. THIS WAS IN THE BUSINESS AND LABOR COMMITTEE, AND I WAS A VOTE TO SUPPORT THIS OUT OF COMMITTEE. ANY TIME WE HAVE THESE ISSUES WHERE WE'RE MAKING SURE THAT WE'RE PROTECTING THE RIGHTS OF OUR CITIZENS AND AS WELL AS BEING ATTENTIVE TO THE CONCERNS OF SMALL BUSINESS, WE HAVE TO ASK HOW TO BEST BALANCE THIS. NOW, THE LB83 WITH AM2191 DOES NOT REQUIRE NEW PAPERWORK FOR SMALL BUSINESSES. SMALL BUSINESSES WILL ALREADY BE REQUIRED TO COLLECT THIS INFORMATION, MAINTAIN THIS INFORMATION FOR TAXES AND BECAUSE OF FEDERAL LAW. SO THIS DOES NOT ADD A NEW BURDEN. BUT IT DOES ADVANCE OUR STATE LAW BY RECOGNIZING THAT WE SAY AS A STATE THAT BUSINESSES SHOULD NOT DISCRIMINATE BASED ON GENDER. BUT IF YOU'RE HIRING PEOPLE TO DO A JOB, YOU SHOULD PAY THEM THE SAME WHETHER THEY ARE MALE OR FEMALE. AND WE'RE SAYING IN STATE LAW THAT WE BELIEVE THIS IS TRUE AND WE ARE WILLING TO SAY THAT WE WILL ENGAGE OUR STATE IN ENFORCING THIS AS WELL. SO I WANT TO SPEAK TO THE QUESTION OF WHY DOES IT MATTER? WHY DOES IT MATTER IF YOU HAVE A STATE LAW THAT DOES THIS IF YOU ALREADY HAVE A FEDERAL LAW? AND THE KEY ISSUE THERE REALLY IS FEDERALISM. ONE OF THE GREAT ADVANTAGES OF FEDERALISM IN OUR SYSTEM IS THAT IF YOU HAVE A CONCERN, IF YOU HAVE BEEN HARMED, THAT YOU HAVE DIFFERENT OPTIONS, DIFFERENT LEVERS YOU CAN USE TO ADDRESS THAT CONCERN. AND SO WHAT LB83 WILL DO WITH AM2191 IS IT WILL ALLOW A WOMAN WHO FEELS LIKE SHE HAS BEEN DISCRIMINATED AGAINST BASED ON WAGES IT WILL PROVIDE ACCESS TO THE NEBRASKA EQUAL OPPORTUNITY COMMISSION FOR HER TO HAVE THAT REDRESS. AND AS SENATOR HARR HAS ALREADY MENTIONED, THIS REALLY BEGINS WITH A CONVERSATION ABOUT WHETHER DISCRIMINATION HAS OCCURRED OR NOT. AND ONLY IF THOSE CONVERSATIONS DO NOT GO WELL IS IT LIKELY TO TURN INTO A SUIT. ALSO I

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WANT TO ADDRESS THE ISSUE THAT'S BEEN RAISED ON THE FLOOR SAYING THAT THERE IS NOT REALLY A WAGE GAP. SENATOR KINTNER PASSED OUT SOME INFORMATION FROM THE HERITAGE FOUNDATION AND I DID READ IT AND WHAT IT ACTUALLY...IT ARGUES THAT THE WAGE GAP IS 82 CENTS INSTEAD OF 77 CENTS, BUT IT STILL NOTES THERE IS A WAGE GAP. THIS PIECE FROM THE HERITAGE FOUNDATION ALSO NOTES THAT WAGE GAP IS CLOSING AND PART...ONE OF THE KEY REASONS THAT IT IS CLOSING IS THAT WE HAVE POLICIES LIKE LB83, AM2191, SO THAT PEOPLE CAN MAKE SURE TO KNOW THAT IF THEY ARE GOING TO DISCRIMINATE, THEN THEY CAN BE CAUGHT AND THERE CAN BE REDRESS. AND SO THAT WOMEN KNOW IF THEY'RE BEING DISCRIMINATED AGAINST, THEY HAVE OPTIONS TO ADDRESS THAT DISCRIMINATION. THOSE POLICIES ARE WHY, AN IMPORTANT REASON WHY, WE'RE SEEING THAT WAGE GAP. THIS HERITAGE FOUNDATION REPORT ALSO NOTES THAT WHEN YOU LOOK AT OCCUPATION AND INDUSTRY OR OVERTIME HOURS AND PART-TIME STATUS, THAT DOES NOT EXPLAIN AWAY THE GENDER GAP. THE GENDER GAP PERSISTS. SO I URGE YOU TO SUPPORT LB83, AM2191, TO MAKE SURE OUR NEBRASKA LAW RECOGNIZES THE IMPORTANCE OF OUR BUSINESSES PAYING EQUAL PAY FOR EQUAL WORK. AND I YIELD THE REST OF MY TIME TO SENATOR HARR. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR HARR, ABOUT ONE MINUTE. [LB83]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. I'LL TRY TO BE QUICK HERE. I JUST WANT TO CLARIFY THE RECORD. AGAIN, I APPRECIATE EVERYTHING THE "PROFESSOR" SCHUMACHER...SENATOR SCHUMACHER SAYS. HOWEVER, AGAIN, FEDERAL LAW REQUIRES US TO KEEP THESE RECORDS THAT HE IS CONCERNED ABOUT, BOTH FOR THE DEPARTMENT OF REVENUE, OR IRS ON THE FEDERAL LEVEL, AND ALSO FOR UNEMPLOYMENT PURPOSES. AND IN ADDITION, FOR JUST THESE TYPES OF SITUATIONS. SO THE REQUIREMENTS ARE ALREADY THERE; THERE'S NO NEW BURDEN. AS FAR AS POSTERS, THOSE ARE PROVIDED FREE BY THE DEPARTMENT OF LABOR OR EEOC. IT'S IN STATUTE THAT



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THEY HAVE TO BE PROVIDED FOR FREE. SO THERE'S NO THERE ADDITIONAL COST THERE. SO I UNDERSTAND HIS CONCERNS. BUT IT'S ALREADY OUT THERE. WE HAVE ABOUT 18 WAGE DISCRIMINATION CASES A YEAR. THIS MAY ADD...MAY ADD ONE OR TWO, IT'S HARD TO SAY. HOPEFULLY, IT'S NONE BECAUSE THERE ISN'T ANY WAGE DISCRIMINATION. BUT WE WON'T KNOW. BUT RIGHT NOW YOU CAN ALREADY GO TO THE EEOC. AND WHEN LOOKING AT WHAT THOSE STATS ARE FOR BETWEEN 2 AND 15 EMPLOYERS, IT'S NOT VERY MANY. AND IT'S UP TO THE EMPLOYEE TO DECIDE WHERE THEY WANT TO GO, WHAT VENUE, STATE OR FEDERAL. I PERSONALLY LIKE GOVERNMENT CLOSER TO THE PEOPLE. [LB83]

PRESIDENT FOLEY: TIME, SENATOR. [LB83]

SENATOR HARR: THANK YOU. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB83]

SENATOR MORFELD: THANK YOU, MR. LIEUTENANT GOVERNOR. I RISE IN SUPPORT OF AM2191 AND LB83 FOR, REALLY, TWO REASONS. FIRST, AS A PERSON WHO EMPLOYS ABOUT 30 FULL- AND PART-TIME INDIVIDUALS, THESE ARE THINGS THAT I'M ALREADY REQUIRED TO DO. AND THESE ARE THINGS THAT AND MATERIALS THAT I ALREADY RECEIVE IN THE MAIL AS AN EMPLOYER AND PUT UP AND PROMINENTLY DISPLAY. IN ADDITION, I THINK IT'S ALSO IMPORTANT THAT FROM A WORKFORCE COMPETITIVENESS POINT OF VIEW THAT IF WE HAVE HIGHER WAGES AND WE HAVE EQUAL WAGES, THEN WE'RE GOING TO BE MORE ATTRACTIVE TO A WIDE VARIETY OF PEOPLE THAT WANT TO WORK IN THE STATE. AND ALSO AS AN EMPLOYER, I UNDERSTAND THE CONCERN THAT SOME PEOPLE HAVE WITH DISCRIMINATION AND POTENTIAL SUITS AND OTHER THINGS. AND I'LL BE HONEST WITH YOU THOUGH, IF YOU DON'T DISCRIMINATE AND YOU HAVE FAIR HIRING PRACTICES AND FAIR COMPENSATION PRACTICES, THEN YOU DON'T HAVE TO WORRY ABOUT ANYTHING. ANYONE CAN BRING A FRIVOLOUS LAWSUIT AGAINST YOU NO MATTER WHAT YOU DO IF THEY'RE

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UPSET WITH YOU. THAT'S GOING TO HAPPEN ONE WAY OR ANOTHER. THIS ISN'T GOING TO STOP THAT AND IT'S NOT GOING TO INCREASE IT. SO IF YOU'RE TREATING PEOPLE FAIRLY AND YOU HAVE GOOD COMPENSATION PRACTICES AND YOU'RE PAYING PEOPLE THE SAME FOR THE RIGHT TYPE OF...FOR THE EXACT SAME TYPE OF WORK, THEN YOU DON'T HAVE TO WORRY ABOUT THIS. AND IF YOU MAKE SOMEBODY UPSET, NO MATTER WHAT YOU DO, YOU COULD GET SUED FOR A WHOLE NUMBER OF DIFFERENT REASONS. THIS DOESN'T INCREASE THAT AT ALL. AND I THINK THIS IS A GOOD MIDDLE GROUND, A GOOD COMPROMISE. ALSO SENATOR JONI CRAIGHEAD'S COMMENTS ABOUT BEING A SINGLE MOTHER ALSO RESONATES WITH ME. MY MOTHER WAS A SINGLE MOTHER WITH THREE KIDS. WE HAD THREE DIFFERENT DADS IN MY FAMILY AND SHE STRUGGLED TO MAKE ENDS MEET EVEN THOUGH SHE DID WORK 40, 50 HOURS A WEEK, OFTENTIMES AT NIGHT, AS WELL, AFTER WE WENT TO BED. SO THESE ARE THINGS AND SOCIETAL ISSUES THAT WE MUST ADDRESS. THEY ARE REAL ISSUES. THERE'S STATISTICS TO BACK IT UP. THIS IS A GOOD MIDDLE GROUND WHERE THERE'S BEEN COMPROMISE WITH THE NEBRASKA BUSINESSES AND CHAMBERS. AND I THINK THAT WE SHOULD ADVANCE AM2191 AND LB83. THANK YOU. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB83]

SENATOR McCOLLISTER: THANK YOU, MR. LIEUTENANT GOVERNOR; GOOD MORNING, COLLEAGUES. IN A FORMER LIFE, WE OPERATED A SMALL BUSINESS. WE HAD 75 EMPLOYEES, SO I GUESS WE'RE ACTUALLY A BIG SMALL BUSINESS. AND WE OPERATED IN FIVE STATES. AND THESE PARTICULAR EMPLOYMENT LAWS WE COMPLIED WITH IN EVERY STATE. IT'S NOT AN UNDUE BURDEN. AND IT'S JUST A REALITY OF WHAT YOU DO WHEN YOU ARE IN BUSINESS. IN FACT, WE HAD TO DEAL NOT ONLY WITH THE EEOC BUT ALSO WITH THE EPA BECAUSE MANY STATES HAD BOTH A STATE EPA AND ALSO, OF COURSE, WE COMPLIED WITH THE NATIONAL EPA. SO IN OUR EXPERIENCE, WE WOULD MUCH RATHER DEAL WITH THE STATE AGENCY THAN THE FEDERAL GOVERNMENT. AND SO

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THIS IS, I THINK, AN ADVANTAGE TO NEBRASKA EMPLOYERS IS TO DEAL WITH A STATE AGENCY RATHER THAN THE FEDERAL GOVERNMENT. AS WE HAVE HEARD THIS MORNING, THERE ARE NO NEW REGULATIONS. SO WE SHOULDN'T ALL GET WORKED UP INTO A LATHER ABOUT SOME NEW REGULATION THAT WE WILL NEED TO COMPLY WITH. AS YOU LOOK AT THE COMMITTEE STATEMENT, THERE ARE FIVE AYE STATEMENTS, AN ABSENT VOTE, AND A NOT VOTING. THERE WERE NO NEGATIVE VOTES AS THIS BILL CAME OUT OF COMMITTEE. AND OF THE TESTIMONY FOR THIS BILL, THE OPPONENTS, AND THERE ARE THREE, THEY HAVE NOW BECOME NEUTRAL BECAUSE OF CHANGES THAT HAVE OCCURRED IN THE BILL. SO I WOULD ENCOURAGE YOU TO VOTE GREEN BOTH ON AM2191 AND LB83 BECAUSE IT'S GOOD LEGISLATION AND AN ADVANTAGE FOR NEBRASKA BUSINESS OVER HAVING TO DEAL WITH THE FEDERAL AUTHORITIES. THANK YOU. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB83]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I'M ABOUT TO SUBMIT AN AMENDMENT TO THIS BILL. AND I'M WORKING ON THE PAPERWORK. BUT I DON'T WANT TO BE ACCUSED OF BEING ANTI-WOMAN. SO MY AMENDMENT, WHEREVER IT SAYS "INDIVIDUAL" I WOULD LIKE TO INSERT THE WORD "WOMAN." AND WHERE IT SAYS "PERSON," IT'S GOING TO BECOME THE WORD "WOMAN." AND THE PROBLEM IS FOR WOMEN. SO LET'S JUST BE CLEAR THAT THIS IS FOR WOMEN EXCLUSIVELY. MY OBJECTION HAS BEEN AND WILL CONTINUE TO BE THE FACT THAT LB83, AS IT WAS WRITTEN, AS IT WAS INTRODUCED ON THE FLOOR, NO LONGER EXISTS. IT'S GONE. IT WAS REPLACED BY AN AMENDMENT THAT HAD NOT ADVANCED AND IT IS REPLACING THE BILL. IN THE PUBLIC HEARING, THE INDIVIDUALS, AND THE COMPROMISE, LET'S BE CLEAR ABOUT THE COMPROMISE. THE COMPROMISE ISN'T CHANGING THE LB83 TO BE REWORDED, REDRAFTED, INCLUSIVE, EXCLUSIVE, BUT THE COMPROMISE WAS TO INSERT SENATOR MELLO'S BILL. SO IT'S NOT THE SAME BILL. BUT NOW IT'S A MATTER OF CHANGING THE

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INEQUALITY FOR WOMEN. AND SO LET'S JUST CHANGE THE LANGUAGE TO BE WOMEN-SPECIFIC SO EMPLOYERS WOULD NOT HAVE ANY DOUBTS THAT WE WANT A CHANGE FOR WOMEN. THAT IS WHAT I PROPOSE TO AMEND. AND THE DISCUSSION CAN BE EXCLUSIVELY FOR WOMEN. WOMEN ARE GETTING MORE ADVANCED DEGREES. THEY ARE GETTING MORE OPPORTUNITIES. THEIR ROLES ARE CHANGING IN FAMILIES. IS THERE DISCRIMINATION? YES, THERE IS. BUT IS IT CHANGING? YES, IT IS. WILL IT CONTINUE CHANGING? ABSOLUTELY. I WOULD RATHER THIS DISCUSSION NOT BE ABOUT EMPLOYMENT LAWS THAT ALREADY ARE IN PLACE ON THE CIVIL RIGHTS ACT AND BE A MODEST CHANGE, I KEEP HEARING THE WORD IT'S "MODEST," IT'S A SOFT CHANGE TO THE LAW, NOT A LOT OF TEETH IN IT, BUT LET'S BE TALKING ABOUT HUMAN TRAFFICKING. I MEAN THAT'S WHERE WE CAN CRACK DOWN ON ABUSE TO WOMEN AND NEEDING A CHANGE. BUT CULTURE AND BUSINESS PRACTICES ARE CHANGING AS WOMEN'S ROLES CONTINUE TO CHANGE WITH EDUCATION, TRAINING, VOCATION, GAPS IN POPULATION IN OUR MORE RURAL AREAS. WE NEED PEOPLE TO WORK THERE. AND THE ABILITY AND THE TALENTS OF WOMEN, I DO BELIEVE, SPEAK FOR ITSELF ON MANY OCCASION. WOMEN ARE NOT INADEQUATE. AND EMPLOYERS FROM MY CHANGES WILL RECOGNIZE THAT THEY CANNOT DISCRIMINATE AGAINST A WOMAN SPECIFICALLY. THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR STINNER, YOU'RE RECOGNIZED. THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS: SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE, VOTE AYE, THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB83]

ASSISTANT CLERK: 27 AYES, 1 NAY TO GO UNDER CALL, MR. PRESIDENT. [LB83]

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PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL, PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS, COULD YOU PLEASE RECHECK IN. THE HOUSE IS UNDER CALL. SENATOR RIEPE, SENATOR HOWARD, SENATOR COASH, KOLTERMAN, FRIESEN, CHAMBERS, MURANTE, SCHILZ, AND GARRETT, PLEASE RECORD YOUR PRESENCE, THE HOUSE IS UNDER CALL. SENATOR KOLOWSKI, COULD YOU CHECK IN, PLEASE. ALL MEMBERS ARE PRESENT AND RECORDED. THE FIRST QUESTION BEFORE US, MEMBERS, IS TO CEASE DEBATE. MR. CLERK, PLEASE CALL THE ROLL. [LB83]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 796.) VOTE IS 30 AYES, 10 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE MOTION TO CEASE DEBATE IS ADOPTED. WE'LL MOVE TO CLOSING. SENATOR BURKE HARR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB83]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY, FELLOW NEBRASKANS. I AM HERE ON AM2191 WHICH AMENDS LB83. THIS AMENDMENT, TO BE CLEAR, BECOMES THE BILL. THE CONTENT OF LB83 AS INTRODUCED ARE ELIMINATED. LB...EXCUSE ME, AM2191 IS PARTS OF SENATOR MELLO'S LB928 WHICH HAD A PUBLIC HEARING. WE TAKE PARTS OF THAT AND, DUE TO A COMPROMISE OR AS A RESULT OF A COMPROMISE BETWEEN THE CHAMBER, THE NEBRASKA FEDERATION OF INDEPENDENT BUSINESSES, ACLU, AND OTHER NORMAL COLLABORATING PARTNERS, HAVE COME TOGETHER AND REALIZED THAT THIS IS A GOOD COMPROMISE. AND WHAT IT DOES IS IT CHANGES THE EMPLOYEE THRESHOLD REQUIREMENT UNDER THE NEBRASKA EQUAL PAY ACT. AND THAT'S ALL IT APPLIES TO IS EQUAL PAY. NONE OF THE OTHER ISSUES THAT ARE INVESTIGATED BY THE NEOC AND THE EEOC. TO BE CLEAR WHAT HAPPENS IS IF AN EMPLOYEE FEELS THAT THEY'RE EMPLOYED

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BETWEEN 2 AND 15 CURRENTLY COULD NOT FILE WITH THE NEOC, THEY WOULD HAVE TO FILE WITH THE EEOC. NOW, THEY'LL BE ALLOWED TO FILE WITH THE NEOC, WHICH IS THE NEBRASKA EQUAL OPPORTUNITY COMMISSION. WHEN THEY FILE, THERE IS A PARTNERSHIP BETWEEN NEBRASKA EQUAL OPPORTUNITY COMMISSION AND THE EEOC. THE EEOC CONDUCTS THE INVESTIGATION. THE NEOC THEN EVALUATES THAT INVESTIGATION. THEY MAY CHOOSE TO DO MORE. THEY MAY CHOOSE TO TAKE THE FINDINGS OF THE EEOC. IF THEY FIND THAT THERE IS A VIOLATION, THEY THEN SIT DOWN WITH THE TWO PARTIES AND MEDIATE AND TRY TO FIND A SOLUTION FOR DAMAGES. IF THEY CANNOT REACH A SATISFACTORY COMPROMISE, SATISFACTORY COMPROMISE, THEN THE ONUS IS ON THE EMPLOYER TO FILE IN DISTRICT COURT. AND LET ME ALSO BE VERY CLEAR, YOU CHOOSE ONE OR THE OTHER. YOU CANNOT GO TO THE...DO AN INVESTIGATION WITH THE EEOC AND THE NEOC, YOU HAVE TO CHOOSE YOUR VENUE. THIS IS A GOOD BILL. WE ARE A PRO-BUSINESS STATE, FOLKS. BUT WE ALSO HAVE TO MAKE SURE THAT OUR EMPLOYEES ARE LOOKED AFTER. WE HAVE TO MAKE SURE THAT THIS IS A PLACE THAT PEOPLE WANT TO COME TO. WE'RE AT DARN NEAR ZERO UNEMPLOYMENT, WHICH IS A GREAT THING. BUT WE ALSO HAVE A PROBLEM OF ATTRACTING NEW AND GOOD TALENT HERE. THIS IS SOMETHING THAT SAYS, HEY, WE UNDERSTAND THERE MAY BE DISCRIMINATION. AND WE DON'T LIKE DISCRIMINATION. AND WE'RE NOT GOING TO LEAVE IT UP TO THE FEDERAL GOVERNMENT TO DETERMINE WHAT IS AND WHAT IS NOT DISCRIMINATION. WE WANT TO HAVE A SAY IN THAT. WE DO NOT WANT TO...AND UNFORTUNATELY IT'S MAINLY WOMEN...TO BE PAID LESS THAN MEN FOR DOING THE SAME WORK. WE WANT TO MAKE SURE THEY'RE PAID THE SAME AMOUNT. THAT'S WHAT THIS BILL DOES. IT DOES NOT REQUIRE ANY NEW BURDENS ON BUSINESS. THE FEDS ALREADY DO IT. THEY PUT THAT BURDEN ON THESE BUSINESSES ALREADY. ARE THEY AS SOPHISTICATED AT 2 AS THEY ARE AT 15? MAYBE, MAYBE NOT. I CAN'T MAKE THAT JUDGMENT. SHOULD THEY BE? PROBABLY. THEY NEED TO KEEP THESE RECORDS. THEY'RE REQUIRED TO KEEP THESE RECORDS. IT'S JUST A MATTER OF WHERE DO YOU WANT THAT COMPLAINT TO GO TO. A COMMISSION THAT'S CLOSER TO THE... [LB83 LB928]

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PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR HARR: THANK YOU...A COMMISSION THAT'S CLOSER TO THE PEOPLE HERE IN THE STATE OF NEBRASKA, OR DO YOU WANT IT TO GO TO THE FEDERAL GOVERNMENT? THAT'S THE DECISION WE'RE MAKING HERE TODAY. BUSINESS ORGANIZATIONS AND EMPLOYEE RIGHTS ORGANIZATIONS HAVE BOTH SIGNED OFF ON THIS BILL AND ON THIS AMENDMENT. SO WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON AM2191. THANK YOU. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. MEMBERS, THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS, AM2191. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB83]

ASSISTANT CLERK: 27 AYES, 10 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. I RAISE THE CALL. (VISITORS INTRODUCED.) CONTINUING DEBATE NOW ON LB83, SENATOR GROENE, YOU'RE RECOGNIZED. [LB83]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I HAVE TO ADMIT I JUST READ THE BILL THIS MORNING, OR ANYTHING ABOUT IT. I JUST HEARD ABOUT THE TWO YEARS AND I ASSUMED WHEN I READ THE BILL IT WAS GOING TO SAY WOMEN ARE DISCRIMINATED AGAINST AND IT'S FOR WOMEN AND WOMEN ONLY. I READ THE BILL AND IT SAYS EMPLOYEE, HIS OR HER. SO I'M TRYING TO FIGURE OUT WHERE WE GOT TO THIS GENDER FIGHT. AND I COME AGAIN, I KNOW YOU FOLKS IN URBAN AREAS, YOU THINK OF BUSINESSES AS CORPORATIONS, AND, IN FACT, CORPORATIONS PRETTY MUCH PAY EVERYBODY THE SAME. I DOUBT AT ANY OF THE QUICK STOPS IN TOWN YOU'LL FIND A DIFFERENT PAY SCALE FOR ANYBODY, OR AT THE FAST FOODS, OR AT THE BIG BUSINESSES. BUT I COME FROM SMALL TOWN AMERICA. AND YOU DIDN'T THINK

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A \$9 MINIMUM WAGE WOULD HURT SMALL-TOWN AMERICA. YOU COME OUT TO SMALL-TOWN NEBRASKA AND I'LL SHOW YOU HOW IT HURT IT. I'LL SHOW YOU THE GROCERY STORES THAT HAVE CLOSED. I'LL SHOW YOU THE CAFES THAT HAVE CLOSED. I'LL SHOW YOU THE MOMS AND POPS WITH BAGS UNDER THEIR EYES BECAUSE THEY CAN'T AFFORD TO HIRE ANYBODY, SO THEY HAVE TO DO IT ALL THEMSELVES. BUT THAT'S URBAN AMERICA, THAT'S OKAY, WE SHOWED THEM. THIS COMES ON THE SAME FACTOR, SMALL BUSINESS CAN'T AFFORD ALL THIS. YOU SAY, WELL, IT'S SIMPLE, JUST GIVE A LAWYER \$5,000...\$5,000 MIGHT BE ALL YOU MADE IN A MONTH AT A SMALL BUSINESS...SO YOU CAN WIN. IS ANYBODY GOING TO WALK IN TO ONE OF THESE HEARINGS WITHOUT A LAWYER? TRY THAT WITH WORKMAN'S COMP. I KNOW SOME FOLKS WHO TRIED THAT. THE LAWYER ALWAYS WINS. IF YOU DON'T HAVE ONE, YOU LOSE. AND THEN I ASKED SENATOR HARR, AND I SAID--WHO HANDLES THIS? THERE'S NO FISCAL NOTE. WELL, IF WE GET ONE FOR 15 AND OVER, WE JUST TURN IT TO THE FEDS, THEY INVESTIGATE IT. AND THEN THEY TURN IT BACK TO THE NEBRASKA NEOC. AND PRETTY MUCH BY READING BETWEEN THE LINES OF WHAT THE FEDS SAID, YOU KNOW HOW TO RULE. THE FEDS DID ALL OF THE WORK ANYWAY. THIS IS FEEL GOOD. TIMES HAVE CHANGED. IT HAS BEEN MY EXPERIENCE WE HAVE CHANGED...GENERATIONS HAVE CHANGED. WHAT HAPPENED 20 YEARS AGO ISN'T HAPPENING TODAY. OH, IT'S ALWAYS GOING TO HAPPEN, LAW OR NO LAW. THIS IS FEEL-GOOD LEGISLATION. AND I'M THINKING SOME GUY OUT THERE IS WORKING NEXT TO ANOTHER MAN AND HE'S UNDERPAID. THAT'S WHAT I'M THINKING. I'M NOT LOOKING AT SEX. CERTAINLY SOME PEOPLE DO WITH EVERY LAW APPARENTLY. HOW HORRIBLE IS IT TO GO THROUGH LIFE AND DEFINE YOURSELF BY YOUR SEX OR YOUR COLOR OR YOUR RACE. THAT'S JUST THE BODY YOU LIVE IN. WHO YOU ARE IS SOMETHING ELSE. AND IF YOU DON'T GET TO THAT POINT IN LIFE, YOU'VE GOT A SAD LIFE. BUT THAT'S WHAT WE DO. WE PASS LAWS ON OUR PHYSICAL PRESENCE. I DON'T LOOK AT PEOPLE THAT WAY. ALL THIS DOES IS BURDEN SMALL BUSINESSES. YOU'RE GOING TO CLOSE MORE OF THEM BECAUSE THEY'RE NOT GOING TO BE ABLE TO KEEP THE RECORDS. THEY'RE NOT GOING TO BE ABLE TO HIRE THE LAWYERS. EVEN IF THEY WIN, I TALKED TO ONE SMALL BUSINESSMAN, I WON'T SAY WHO, HE GETS FIVE OF



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THEM A YEAR, HE HAS MORE THAN 15...HE WINS EVERY ONE, \$25,000; 5,000 A SHOT WITH THE LAWYERS. IT'S NOT...I SHOULDN'T SAY ON WAGE. IT WAS ON OTHER ISSUES. CAN WE JUST STOP PASSING FEEL-GOOD LEGISLATION AND LET'S DEBATE IT ON WHAT IT IS. THIS IS ALL EMPLOYEES. IT HAS NOTHING DO WITH SEX, RACE, AGE, OR ANYTHING, IT'S JUST ALL EMPLOYEES. LET'S DEBATE IT ON THAT ISSUE. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR HANSEN, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB83]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES. I AM GOING TO...AND I HAVE SUBMITTED AN AMENDMENT AND PERHAPS IT WILL NEED TO BE FOR SELECT FILE. BUT I WANT TO BE CLEAR, IF THIS IS TO PROTECT WOMEN, LET'S NOT SAY "PERSON," LET'S SAY "WOMAN." LET'S NOT SAY "INDIVIDUAL," LET'S SAY "WOMAN." BUT TO THE WOMEN WHO ARE IN HERE AND TO THE GENTLEMEN WHO ARE IN HERE, TIMES ARE A CHANGING. AND I BELIEVE SENATOR CHAMBERS MAY KNOW THE WORDS TO THAT TUNE AS WELL. I SEE A LITTLE DIALOGUE WITH SENATOR SCHUMACHER. WOMEN ARE MAKING SIGNIFICANT CHANGES IN AGRICULTURE. THERE ARE WOMEN FARMERS AND RANCHERS. THEY ARE MAKING LEADERSHIP CHANGES IN TECHNOLOGY. MANY WOMEN ARE ENROLLED, AND I BELIEVE THE RADIO I HEARD THIS MORNING, THE HIGHEST NUMBER OF WOMEN EVER ENLISTED IN TECHNOLOGY EMPLOYMENT AND EDUCATION. WOMEN HAVE CHANGED ROLES. AND IT'S NOT BECAUSE OF ANY LACK OF INTELLIGENCE. THEY ARE VERY INTELLIGENT. THEY HAVE STAMINA. THEY HAVE EVERY QUALITY AND ATTRIBUTE THAT INDIVIDUALS POSSESS. THEY ARE GAINING IN STRENGTH IN MANY FIELDS. SO LET'S MAKE THIS A WOMAN'S BILL. I WOULD WELCOME THAT. AND WHILE WE'RE AT IT, SEVERAL OF YOU WENT TO THE ARC BANQUET FOR INDIVIDUALS WITH DISABILITIES, WHETHER PHYSICAL OR INTELLECTUAL. ONE OF THEIR CONCERNS IS THEY WANT EMPLOYMENT. THEY ARE ABLE TO WORK AS WELL. LET'S OPEN UP THIS TO INCLUDE CONSIDERATION FOR ALL OF THOSE WHO SEEK

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WORK. BUT THIS IS A WOMAN'S BILL. AND IT DOES, YOU KNOW, WE'VE MENTIONED THE NEBRASKA EQUAL OPPORTUNITY COMMISSION. THEY HAVE A COMPLAINT PROCESS. INDIVIDUALS, AND MAYBE WE SHOULD CHANGE THAT TO SAY--WOMEN MAY FILE COMPLAINTS WITH NEOC WHEN THEY FEEL THEY HAVE BEEN DISCRIMINATED AGAINST IN THE AREAS OF EMPLOYMENT RELATIVE TO THE DENIAL OF EMPLOYMENT, DISMISSAL FROM EMPLOYMENT, OR UNEQUAL TREATMENT ON THE JOB. THERE'S WAYS TO FILE. THEY CAN FILE, YOU KNOW, THERE'S INSTRUCTIONS HERE ON FILING. I BELIEVE IT SAYS FOUR YEARS. THERE ARE WAYS...THE NEOC INVESTIGATES CHARGES OF DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, INCLUDING PREGNANCY. AND I BELIEVE IT WAS SENATOR MELLO THAT INTRODUCED THE BILL TO HELP PREGNANT WOMEN IN EMPLOYMENT. I SUPPORTED THAT BILL. I BELIEVE THERE ARE SPECIAL CONSIDERATIONS FOR THOSE WHO ARE WITH CHILD AND NEEDING CONSIDERATION BY EMPLOYER. I UNDERSTAND THAT. IT CONTINUES ON TO DISABILITY, MARITAL STATUS, AND AGE. THERE'S AGE DISCRIMINATION. NOT HERE IN THE LEGISLATURE, BUT EMPLOYMENT PRACTICES. IT TALKS ABOUT SERVICE. SERVICE IS THE NEXT STEP IN THE COMPLAINT PROCESS ONCE THE CHARGE IS FILED, SIGNED BY THE COMPLAINANT AND NOTARIZED. THE NEOC MUST SERVE THE CHARGE ON THE RESPONDENT WITHIN 10 DAYS, A 10-DAY WINDOW. [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR BRASCH: AND THE BASIS FOR FILING IS THE EQUAL PAY ACT. AND THAT EQUAL PAY ACT COVERS DISCRIMINATIONS ON THE BASIS OF SEX AND RETALIATION. THERE ARE LAWS IN PLACE. BUT IF WE BELIEVE THAT IT IS SPECIFIC TO WOMEN, LET'S CUT TO THE CHASE AND JUST SAY "WOMAN." WOMEN DO CONTRIBUTE IN MANY WAYS. WE'RE MOVING UP IN NUMBERS IN THIS LEGISLATURE. MORE WOMEN ARE CHOOSING TO RUN. WOMEN ARE CONTRIBUTING TO OUR ECONOMIC STRUCTURE, TO AGRICULTURE, TO THE SCIENCES. WE'RE IN MANY FIELDS. SO LET'S CHANGE THIS TO BE SPECIFIC. [LB83]

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PRESIDENT FOLEY: TIME, SENATOR. [LB83]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB83]

SENATOR McCOLLISTER: YEAH, THANKS AGAIN, MR. PRESIDENT; AND GOOD MORNING AGAIN, COLLEAGUES. WE NEED TO UNDERSTAND WHAT THIS BILL DOES OR DOES NOT DO. I'D REMIND SENATOR GROENE AND SENATOR BRASCH THAT THIS BILL IS GENDER NEUTRAL, GENDER NEUTRAL, NO PARTICULAR REFERENCE TO MEN OR WOMEN. SECONDLY, THERE'S NO NEW REGULATIONS THAT COME FORTH AS A RESULT OF THIS BILL, NONE AT ALL. SO LET'S NOT MISCHARACTERIZE WHAT THIS BILL AND DOES NOT DO. YES, WE DON'T LIKE THE FEDERAL GOVERNMENT OR STATE GOVERNMENT INTERFERING WITH OUR LIVES, BUT THIS DOES NOT CREATE NEW LAW. SO LET'S MOVE FORWARD AND LET'S PASS THIS BILL. PLEASE VOTE GREEN ON LB83. THANK YOU, MR. PRESIDENT. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB83]

SENATOR SCHNOOR: THANK YOU, SIR. IT'S INTERESTING, SENATOR McCOLLISTER SAYS IT'S GENDER NEUTRAL, BUT THAT DOESN'T APPEAR WHAT THE DEBATE HAS BEEN ABOUT. IF THERE ARE NO NEW LAWS, THEN WHY ARE WE DEBATING IT? I'LL BE HONEST WITH YOU, I'M NOT SURE HOW I'M GOING TO VOTE ON THIS YET. BUT I'D LIKE TO POINT OUT, IN MY AREA, DOES THIS HAPPEN? OH, IT MIGHT, IT MIGHT NOT. IT DOESN'T MATTER WHAT LAWS WE ENACT HERE, THERE'S GOING TO BE DISCRIMINATION. IT DOESN'T MATTER HOW MUCH MONEY WE GO TO GIVE TO POVERTY, POVERTY WILL STILL EXIST. WE ARE NOT GOING TO SOLVE ALL OF THE PROBLEMS AROUND HERE WITH NEW LAWS. THEY WILL NEVER GO AWAY. WE CAN PUT AS MANY STATUTES AS YOU WANT IN PLACE AND PEOPLE STILL

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FIND A WAY TO GET AROUND THEM. THAT'S JUST UNFORTUNATELY THE WAY IT WORKS. I CAN TELL YOU AS A SCHOOL BOARD PRESIDENT, SINCE THE DEBATE SEEMS TO BE ABOUT WOMEN VERSUS MEN, WE PURPOSELY WENT OUT AND HIRED A FEMALE, BECAUSE IN OUR SITUATION, WE FELT THAT WAS BEST FOR OUR SCHOOL DISTRICT AND SHE GETS PAID JUST AS GOOD AS EVERYBODY ELSE. WE HIRED A WOMAN THAT HAD NO EXPERIENCE AS AN ADMINISTRATOR. NONE. AND BROUGHT HER IN AND SHE JUST HAS DONE AN AWESOME JOB. SO IS THAT DISCRIMINATION? I DON'T KNOW. DEPENDS HOW YOU WANT TO LOOK AT IT. BUT I WOULD JUST LIKE TO POINT OUT A COUPLE OF THOSE THINGS. AND LIKE I SAID, I'M NOT SURE HOW I'M GOING TO VOTE ON THE ISSUE YET. SO THANK YOU, SIR. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB83]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I ENGAGED IN DISCUSSION WITH SENATOR MELLO AND ALSO SENATOR McCOY ON THIS BILL. I JUST WANTED TO CLARIFY FOR THE RECORD HERE, BECAUSE THE TRANSCRIPT WILL SHOW SENATOR CRAIGHEAD BELIEVING THIS MAKES A DIFFERENCE FOR WOMEN, AND SENATOR PATTY PANSING BROOKS ALSO SAID IT, AND SENATOR COOK IN HER DELIVERY HERE, THIS IS NOT LEGISLATION THAT WILL MAKE A NIGHT AND DAY DIFFERENCE FOR WOMEN AND EMPLOYMENT, I BELIEVE. BUT WHAT IT WILL DO IS MAKE, FROM MY UNDERSTANDING, IS LITIGATION FOR ANYONE. IT CHANGES THE THRESHOLD. IT'S MORE JOBS FOR ATTORNEYS, PERHAPS; ECONOMIC DEVELOPMENT IF YOU WANT TO CALL IT THAT, CHANGING FROM 15 EMPLOYEES TO 2 EMPLOYEES. THAT'S A BURDEN, I BELIEVE, TO GO FROM 15 TO 2. BUT I DO TAKE IT PERSONAL WHEN SOMEONE BELIEVES YOU DON'T BELONG HERE BECAUSE YOU THINK WOMEN ARE MAKING PROGRESS, MAKING PROGRESS IN EDUCATION, IN EMPLOYMENT, IN GOVERNMENT, IN FAMILY. FAMILIES ARE DEPENDENT ON WOMEN THE MAJORITY OF THE CASES. THEY MULTITASK. AGRICULTURE. WOMEN ARE SIGNIFICANT TO OUR CULTURE. AND WE WOULDN'T BE HERE

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WITHOUT WOMEN, NONE OF US, SO THANK YOUR MOTHER TODAY. BUT, COLLEAGUES, AGAIN, WHEN WOMEN ARE STANDING UP AND THERE ARE A LOT OF BAD SITUATIONS, SAYING I NEED THIS BECAUSE THIS HAPPENED, THINGS WILL HAPPEN UNTIL OUR CULTURE CHANGES; NOT OUR LAWS, BUT CULTURE. AND THAT'S THE PROBLEM TODAY. AND WE ARE SLOWLY BUT SURELY MAKING CHANGES IN MILITARY. YOU LOOK AROUND, OUR DAUGHTERS, AND I HAVE A DAUGHTER, THEY ARE NOT EXPECTED TO DO THE SAME THING THAT OUR MOTHERS OR GRANDMOTHERS WERE. ECONOMICS HAS CHANGED THAT. BUT, MR. PRESIDENT AND COLLEAGUES, I DO WANT TO STAND SAYING THAT THIS IS GENDER NEUTRAL? NOT A WOMAN'S BILL? UNLESS MY AMENDMENT MOVES FORWARD THAT WE TALK ABOUT WOMEN ONLY ON THIS. THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB83]

SENATOR CRAIGHEAD: THANK YOU, MR. LIEUTENANT GOVERNOR, AND GOOD MORNING, AGAIN, COLLEAGUES. OKAY, SEE THAT? YOU WANT IT, YOU WALK IN IT. OKAY? I'M PASSIONATE ABOUT THIS. I GREW UP IN A SINGLE-PARENT FAMILY. MY DAD DIED WHEN I WAS 8, MY TWIN BROTHERS WERE 7. MY MOM WORKED. BOTH OF MY BROTHERS BECAME PSYCHIATRISTS. WE DIDN'T HAVE A LOT OF MONEY, BUT EVERYBODY SUCCEEDED. I BECAME A SINGLE PARENT WHEN MY DAUGHTER WAS 13 BECAUSE MY HUSBAND, MIKE CRAIGHEAD, DIED OF AN AGENT ORANGE-RELATED CANCER. DON'T TELL ME THINGS AREN'T DIFFERENT. AND I'LL GIVE YOU BOTH OF MY SHOES. ARE YOU A WOMAN? ARE YOU A SINGLE WOMAN? ARE YOU A SINGLE MOM? IF YOU ARE NOT, AND IF YOU HAVE NOT WALKED IN THE SHOES, THEN YOU BETTER GO FIND A FEW PEOPLE IN THIS STATE, IN THIS WORLD BEFORE YOU VOTE ON THIS BILL. I STAND IN SUPPORT OF THE BILL. THANK YOU. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB83]

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SENATOR FRIESEN: THANK YOU, MR. LIEUTENANT GOVERNOR. I STILL HAVE SOME QUESTIONS, I GUESS, WHEN I STARTED READING SOME OF THE STATUTES THAT THIS SUBJECTS SMALL BUSINESS TO IN THE STATE. I DO THINK THAT IT WILL HAVE MORE OF AN IMPACT THAN WHAT MOST WILL REALIZE. AND SO I AGREE WITH, A LITTLE BIT, WITH SENATOR SCHUMACHER AND HOW HE TALKS ABOUT THE DIFFERENT BILLS AND STATUTES THAT YOU'RE SUBJECTED TO NOW. THE RECORDKEEPING OF A TWO- OR A THREE-EMPLOYEE COMPANY THAT COULD BE BASED IN THEIR HOUSE YOU NOW ARE REQUIRED TO KEEP RECORDS AND DOCUMENT WHATEVER YOUR EMPLOYMENT STATUS IS WITH EACH EMPLOYEE. SO THERE IS GOING TO BE COSTS. LET'S RECOGNIZE THAT AT LEAST AND SAY THAT THIS IS A...THIS IS A BILL THAT WILL HAVE AN IMPACT ON SMALL BUSINESS. AND THE WAY I READ THE STATUTES, WHEN YOU READ 48-1222, THE NEBRASKA EQUAL OPPORTUNITY EMPLOYMENT COMMISSION HAS A RIGHT TO COME INTO MY BUSINESS AT ANY TIME, PHOTO COPY RECORDS, AND IF MY BUSINESS IS IN MY HOUSE, THEN THEY JUST COME IN ANY TIME WITHOUT A WARRANT AND ASK TO SEE RECORDS LIKE THAT. I'VE GOT SOME REAL CONCERNS THERE, I GUESS, WITH THAT. ESPECIALLY WHEN WE'RE TALKING SMALL BUSINESS THAT ARE TWO, THREE, FOUR EMPLOYEE BUSINESSES. I STILL THINK THE NUMBER, I'M OPEN TO CHANGE ON THAT. BUT I STILL THINK GOING DOWN TO TWO IS TOO SMALL. AND IT DOES AUTOMATICALLY MAKE A LOT OF SMALL BUSINESSES BASICALLY BREAK THE LAW, BECAUSE THEY WILL NOT HAVE THOSE RECORDS. AND IF THEY DO, IT'S JUST GOING TO BE MORE COSTS, MORE RECORD KEEPING THAT THEY'RE REQUIRED TO DO. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR BRASCH, YOU'RE RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB83]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I RECOGNIZE SENATOR CRAIGHEAD'S PASSION AND EXPERIENCE. AND IT IS DIFFICULT. MY MOTHER ALSO CAME INTO A SITUATION WHERE SHE WAS IN CHARGE OF FOUR OF US. AND IT'S NOT EASY. AND SHE WORKED, MY

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MOTHER WORKED, I WORKED WHILE I RAISED MY CHILDREN. AND IT'S DIFFICULT. SO I'M GOING TO ASK SENATOR CRAIGHEAD TO YIELD TO A QUESTION, PLEASE. [LB83]

PRESIDENT FOLEY: SENATOR CRAIGHEAD, WOULD YOU YIELD, PLEASE? [LB83]

SENATOR CRAIGHEAD: YES. [LB83]

SENATOR BRASCH: THANK YOU, SENATOR CRAIGHEAD. WITH MY AMENDING IT TO MAKE IT WOMAN SPECIFIC SO THERE IS NO DOUBT THAT WE HAVE A GENDER INEQUITY, WOULD YOU SUPPORT MY AMENDMENT? [LB83]

SENATOR CRAIGHEAD: PROBABLY. HERE'S THE ISSUE WITH THIS. OKAY, THIS IS A TRANSPARENCY ISSUE. MANY OF US IN THIS CHAMBER LOVE THE WORD "TRANSPARENCY." OKAY, SO IF WE'RE NOT DOING ANYTHING WRONG, WHAT ARE WE AFRAID OF? WHY ARE WE AFRAID TO PASS THIS AND MAKE IT A LAW? [LB83]

SENATOR BRASCH: THANK YOU, SENATOR CRAIGHEAD. [LB83]

SENATOR CRAIGHEAD: THANK YOU. [LB83]

SENATOR BRASCH: WHAT I WOULD LIKE TO DO BECAUSE OF THE FLOOR TESTIMONY SAYING WOMEN NEED IT, WOMEN WANT IT, I ALSO WANT WHAT'S FOR WOMEN. SO I THINK WE SHOULD BE VERY CLEAR IN THE LANGUAGE OF THE LAW, WORDS MATTER. LET US ADD "WOMAN" TO THIS BILL SO AN EMPLOYER WILL HAVE NO DOUBT, NOT A SHADOW OF A DOUBT THAT IF A WOMAN GIVES HIM OR HER A JOB APPLICATION, THEY WILL NOT BE DISCRIMINATED BECAUSE THEY ARE A WOMAN. THAT'S WHAT I WOULD LIKE TO SEE. BY CALLING IT A PERSON OR AN INDIVIDUAL, WE'RE LOOKING AT A DUPLICATION OF A LAW BECAUSE IT'S ALREADY THERE IN FEDERAL LANGUAGE. I MEAN I...IT'S THERE IN OUR COMMISSION. BUT IT DOES OPEN IT UP WIDE OPEN TO GO FROM 15 EMPLOYEES TO TWO EMPLOYEES TO AFFECT OUR SMALLER COMMUNITIES. AND

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IF THEY NEED AFFECTING, LET'S ALSO MAKE SURE WE HOLD THEIR FEET TO THE FIRE THAT WOMEN WILL NOT BE PASSED ON WITH WAGES THAT SHOULD BE EQUAL TO A MAN'S. AND PERHAPS THOSE WAGES SHOULD EVEN BE HIGHER. WOMEN SOMETIMES HOLD MORE RESPONSIBILITY AND HAVE GREATER EXPECTATIONS. LET'S LOOK AT THE INADEQUACY OR DISCRIMINATION FOR WOMEN. BUT AS IT STANDS, THIS BILL IS GENDER NEUTRAL. THE WOMEN WHO HAVE STOOD HERE SAYING THAT THIS WILL PROTECT WOMEN, I WANT TO MAKE SURE THAT, YOU KNOW, PERHAPS NEBRASKA CAN BE A FIRST AND PROTECT THOSE WOMEN BY BEING VERY CLEAR WITHOUT A SHADOW OF A DOUBT THAT WE ARE SPEAKING ABOUT WOMEN WHEN IT COMES TO DISCRIMINATION. AND NOT THE LAWS THAT ARE ALREADY IN PLACE. SO I DO APPRECIATE SENATOR CRAIGHEAD'S HEART-FELT STRUGGLES THAT SHE HAS SHARED WITH US BECAUSE I KNOW MANY OF THOSE SAME STRUGGLES. I KNOW OTHER WOMEN WHO HAVE STRUGGLED WITH IT. BUT THERE HAVE BEEN LAWS IN PLACE SINCE 1964 AND APPARENTLY IT'S...YOU KNOW, IT'S STILL IN PLACE TODAY. BUT I DO BELIEVE THINGS ARE CHANGING WITH TIME AND WITH WOMEN ADVANCING IN TECHNOLOGY. [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR BRASCH: TECHNOLOGY KNOWS NO GENDER WHEN IT COMES TO ITS ROLE. THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR BURKE HARR. [LB83]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. I JUST WANT TO MAKE IT VERY CLEAR--DISCRIMINATION ANYWHERE IS DISCRIMINATION EVERYWHERE. ALL RIGHT? YOU GOT A PROBLEM WITH DISCRIMINATING AGAINST WOMEN? GOOD FOR YOU, I'M PROUD OF YOU. BUT I GOT A PROBLEM WITH DISCRIMINATION, PERIOD. I GOT A PROBLEM WITH DISCRIMINATING BASED ON SOMEONE'S SEXUAL ORIENTATION. AND IT'S NOT JUST ME. IT'S



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SOMETHING CALLED THE U.S. CONSTITUTION. SO IF THIS AMENDMENT COMES TO THE FLOOR, KNOW WHAT IT IS. IT'S MEANT TO KILL THE BILL BECAUSE IT'S UNCONSTITUTIONAL. IT DOESN'T MEET THE LEVEL OF SCRUTINY, STRICT SCRUTINY, THAT WE REQUIRE. WHY WOULD IT BE OKAY TO DISCRIMINATE AGAINST MEN? I ASK. IT'S NOT OKAY TO DISCRIMINATE BASED ON SOMEONE'S SEX. IF YOU DON'T LIKE IT FOR WOMEN, YOU SHOULDN'T LIKE IT FOR MEN. ALL RIGHT, I GOT THAT OUT. SO I ALSO WANT TO MAKE CLEAR WHAT THIS BILL IS. IT'S NOT FOR APPLICANTS. IT WON'T APPLY TO APPLICANTS. THIS IS FOR PEOPLE WHO HAVE BEEN HIRED AND THERE'S A RECORD. AND SO I JUST...WE'RE CHANGING ONE WORD, FOLKS, FROM 15 TO 2. THAT'S ALL THIS DOES. THOSE QUOTE UNQUOTE ADDITIONAL REQUIREMENTS THAT I HEAR ABOUT, THEY'RE NOT NEW. THEY'RE ALREADY THERE. THE FEDERAL GOVERNMENT PUTS THEM IN PLACE, HAS THEM IN PLACE. SO YOU HAVE TO DO IT. YOU CAN'T CHOOSE NOT TO DO IT TODAY. YOU'RE ALREADY DOING IT, OR YOU SHOULD BE. AND IF YOU AREN'T, YOU'RE PROBABLY IN TROUBLE, ESPECIALLY IF YOU'RE DISCRIMINATING. NO NEW REQUIREMENTS. THE QUESTION IS, VENUE. WHERE DO YOU WANT TO FILE YOUR CLAIM? IT'S THAT SIMPLE. DO YOU WANT TO DO IT ON THE NEBRASKA EQUAL OPPORTUNITY COMMISSION OR DO YOU WANT TO DO IT ON THE EEOC ON THE FEDERAL LEVEL? THAT'S WHAT IT'S ABOUT. THAT'S ALL THIS BILL IS. AS I SAID ON MY CLOSING FOR THE AMENDMENT, I BELIEVE IN GOVERNMENT CLOSER TO THE PEOPLE. AND SO I DON'T HAVE A PROBLEM WITH THE NEOC. AS A MATTER OF FACT, I THINK IT'S A GREAT IDEA. AND IT'S ALSO US AS NEBRASKANS STANDING UP AND SAYING DISCRIMINATION OF WAGES IS WRONG. SO LET'S DO IT ON THE STATE LEVEL. LET'S NOT DEFER TO THE FEDERAL GOVERNMENT. IT'S THAT SIMPLE. YOU HAVE THE NATIONAL FEDERATION OF INDEPENDENT BUSINESSES SUPPORTING THIS BILL. YOU HAVE LIBA SUPPORTING THIS BILL. YOU HAVE THE NEBRASKA CHAMBER OF COMMERCE SUPPORTING THIS BILL. WHY? BECAUSE THERE'S NOTHING TO BE AGAINST, NUMBER ONE. NUMBER TWO, WE WANT TO MAKE SURE THAT EMPLOYERS DO NOT DISCRIMINATE. NOBODY WANTS THAT. IF THERE'S A BAD ACTOR OUT THERE, WE WANT TO WEED THEM OUT AND MAKE SURE THAT THAT EMPLOYEE THAT HAS BEEN DISCRIMINATED RECEIVES HIS OR HER FAIR

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DAMAGES. THAT IS WHAT THIS BILL DOES. OKAY? WE NEED TO RECRUIT AND RETAIN WORKERS HERE. WE NEED TO RETAIN A CULTURE THAT SAYS WE ARE PRO BUSINESS IN A GOOD WAY. NOT PRO BUSINESS IN A BAD WAY AT THE EXPLOITATIONS OF OUR EMPLOYEES. THAT'S WHAT THIS BILL DOES. IT SAYS WE'RE PRO BUSINESS. WE DON'T LIKE BAD ACTORS. I WANT TO CLARIFY THE RECORD, I SAID EARLIER ON MY CLOSE IT'S UP TO THE EMPLOYER TO SUE, IT'S UP TO THE EMPLOYEE TO SUE. I APOLOGIZE. I WAS JUST ON A ROLL AND I SAID THE WRONG WORD. SO IF THERE IS A MEDIATION AND IT FAILS, THE EMPLOYEE, MEANING THE PERSON WHO IS ALLEGEDLY WRONG, SUES IN DISTRICT COURT. [LB83]

PRESIDENT FOLEY: ONE MINUTE. [LB83]

SENATOR HARR: THANK YOU. AT THAT TIME, THERE IS...IT'S JUST LIKE ANY OTHER CASE. I MEAN, YOU CAN SUE ANYONE YOU WANT. WE HAVE HAD SENATORS WHO HAVE SUED GOD. SO...AND I WANT TO ADDRESS ONE LAST ISSUE, DOES THIS CREATE MORE LITIGATION? NO. BECAUSE YOU CAN ALREADY DO IT IN EEOC. AND IF YOU LOOK AT THE FISCAL NOTE, THEY SAY NO NEW FISCAL NOTE. IT'S JUST A MATTER OF WHERE YOU WANT TO DO...BRING YOUR COMPLAINT. IT'S A MATTER OF VENUE. DO YOU WANT TO DO IT ON THE STATE LEVEL OR THE FEDERAL LEVEL? IT'S THAT SIMPLE. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB83]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. MR. CLERK. [LB83]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR BRASCH WOULD MOVE TO AMEND WITH AM2383. (LEGISLATIVE JOURNAL PAGE 797.) [LB83]

PRESIDENT FOLEY: SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON AM2383. [LB83]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. AND I DO WANT TO THANK ALL THE STAFF AND THE CLERK THAT HELPED TO ACCOMMODATE GETTING THIS AMENDMENT TO THE BILL DRAFTERS AND TO THE FLOOR TODAY. ONCE MORE, AND I HOPE ALL THE WOMEN LOOK AT THE BILL BECAUSE...MY AMENDMENT, BECAUSE IT IS SPECIFIC TO CHANGE THE WORD ON PAGE ONE, STRIKE THE WORD "INDIVIDUAL" SHOWN AS STRICKEN AND INSERT "WOMAN." IN LINE EIGHT, STRIKE "INDIVIDUALS" AND SHOW STRICKEN AS THE WORD "WOMEN." SO WOMAN AND WOMEN. AND THE REASON FOR THAT IS WHAT I'M HEARING, YOU HEAR IT ON THE NATIONAL LEVEL TOO. I THINK THERE'S A COMMERCIAL WHERE CANDIDATE HILLARY CLINTON, PART OF HER MANTRA IS SHE'S GOING TO MAKE SURE WOMEN GET EQUAL PAY. WELL, IN NEBRASKA MAYBE WE HAVE THE ANSWER HERE. BECAUSE WE ARE PROTECTED BY FEDERAL LAW, I BELIEVE, AND WE'RE ALSO PROTECTED BY ACT 48-1221-- PROHIBITED ACT. IT SAYS: NO EMPLOYER SHALL DISCRIMINATE BETWEEN EMPLOYEES IN THE SAME ESTABLISHMENT ON A BASIS OF SEX, BY PAYING WAGES TO ANY EMPLOYEE IN SUCH ESTABLISHMENT AT A WAGE RATE LESS THAN THE RATE AT WHICH THE EMPLOYER PAYS ANY EMPLOYEE OF THE OPPOSITE SEX IN SUCH ESTABLISHMENT FOR EQUAL WORK ON JOBS WHICH REQUIRE EQUAL SKILL, EFFORT, AND RESPONSIBILITY UNDER SIMILAR WORKING CONDITIONS. WAGE DIFFERENTIALS ARE NOT WITHIN THIS PROHIBITION WHERE SUCH PAYMENTS ARE MADE PURSUANT TO (A) AN ESTABLISHED SENIORITY SYSTEM, (B) A MERIT INCREASE SYSTEM, OR, (C) A SYSTEM WHICH MEASURES EARNING BY QUANTITY OR QUALITY OF PRODUCTION OR ANY FACTOR OTHER THAN SEX. SO THERE'S LAWS IN PLACE AND THEY'RE INEFFECTIVE. SO ONCE MORE, YOU KNOW, IF THE INTENT OF THIS BILL IS TRULY TO CHANGE THE NUMBER FROM 15 TO 2, THEN LET'S SAY IT, LET'S DO IT. LET'S NOT THROW IN OTHER ITEMS SUCH AS THIS WILL HELP OUR WORKING MOTHERS, THIS WILL HELP OUR SINGLE PARENTS, THIS WILL HELP OUR COLLEGE GRADUATES, THIS WILL HELP OUR WOMEN PROFESSIONALS. IT HELPS EVERYONE, AS DO OUR CURRENT LAWS. BUT WHAT IT WILL DO IS CHANGE THE REQUIREMENT FROM AN EMPLOYER WHO HAS ONLY TWO EMPLOYEES TO PROVIDE DOCUMENTATION; SENATOR SCHUMACHER WENT INTO

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ELABORATE DETAIL OF EVERYTHING NOW THAT ANY MOM AND POP OR MOM ONLY OR POP ONLY INSTITUTIONS WILL BE REQUIRED TO ABIDE BY WITH THE FEDERAL GOVERNMENT. WE ALL TALK ABOUT OVER-REGULATION. WE TALK ABOUT HOW THE GOVERNMENT IS BECOMING MORE AND MORE AND MORE INTRUSIVE ON OUR DAILY LIVES, ON OUR FAMILIES, ON OUR EMPLOYERS, ON OUR ROADS REGULATIONS. THIS IS JUST ONE MORE THING. AND WE DO HAVE, I BELIEVE, LAWS IN PLACE WHERE THEIR INTENTION IS TO PROTECT EVERYONE. AND IF THAT LAW IS NOT WORKING, THEN WE NEED TO SAY WHAT WE MEAN AND MEAN WHAT WE SAY. WE'RE TALKING ABOUT WOMEN TODAY, BY THE OPENING ON LB83, BY TESTIMONY THAT'S BEEN SAID. BUT AT THIS POINT, I DO BELIEVE THAT WE ARE TRULY TALKING ABOUT CHANGING THE NUMBER FROM 15 TO 2. AND, YES, IN ALL THE ENTITIES THAT CAME IN AND OPPOSED AT ONE POINT, THAT I HAVE...I VISITED WITH ONE YESTERDAY, AND THAT WAS THE NEBRASKA GROCERS' ASSOCIATION. THE WORD WAS "REDUNDANT" IN OUR CONVERSATION. THOSE LAWS ARE IN PLACE. AND, YES, OKAY, NO ONE WANTS TO STAND UP AND SAY, YOU KNOW, I'M AGAINST DISCRIMINATION, WAGE OR OTHER. SO WE'LL...WE'RE ALL GOING TO BACK UP, YOU KNOW, THIS LAW SO WE'RE POLITICALLY CORRECT. AND I WANT TO PROTECT WOMEN AND CHILDREN AND FAMILIES, ESPECIALLY, YOU KNOW, THOSE WHO ARE STRUGGLING. I WANT TO PROTECT THOSE WITH DISABILITIES, INTELLECTUAL AND PHYSICAL. AND I THINK OUR LAWS ARE THERE IN PLACE. BUT IF NOW WE'RE TRYING TO WIDEN THE NET OR TIGHTEN THE NET WHERE WE GET EVERYONE FROM TWO ON AND INCREASE BURDENS TO VERY SMALL EMPLOYERS, LET'S JUST SAY THAT. WITH THAT SAID, I AM GOING TO PULL THE AMENDMENT. THANK YOU FOR YOUR LISTENING TO ME TODAY. AND I HOPE THAT YOU UNDERSTAND EXACTLY WHAT THE BILL IS DOING. THANK YOU, MR. PRESIDENT. THANK YOU, SPEAKER. AND THANK YOU, COLLEAGUES. [LB83]

SENATOR SCHEER PRESIDING

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SENATOR SCHEER: THANK YOU, SENATOR BRASCH. THE AMENDMENT IS WITHDRAWN. GOING BACK TO DISCUSSION ON LB83. EXCUSE ME, MR. CLERK, FOR ANNOUNCEMENTS. [LB83]

ASSISTANT CLERK: MR. PRESIDENT, AN ANNOUNCEMENT THAT THE AG COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 11:00 IN ROOM 2022. IN ADDITION TO THAT, SOME ITEMS FOR THE RECORD: NEW BILLS, LB934A BY SENATOR COASH. (READ LB934A BY TITLE FOR THE FIRST TIME.) THE RETIREMENT SYSTEMS COMMITTEE REPORTS LB467 TO GENERAL FILE WITH AMENDMENTS. TRANSPORTATION REPORTS LB977 TO GENERAL FILE WITH AMENDMENTS. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGE 797.) [LB934A LB467 LB977]

SENATOR SCHEER: THANK YOU, MR. CLERK. WAITING TO SPEAK IN THE QUEUE: SENATOR CRAIGHEAD, BLOOMFIELD, HANSEN, AND OTHERS. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB83]

SENATOR CRAIGHEAD: THANK YOU, SENATOR SCHEER. SENATOR BRASCH, THANK YOU SO MUCH FOR PULLING YOUR AMENDMENT. THERE'S A HUGE ELEPHANT IN THE ROOM THAT WE HAVEN'T TALKED ABOUT AND WE'RE SKIRTING AROUND THE ISSUE. MY QUESTION WAS GOING TO BE WHAT IS YOUR DEFINITION OF A WOMAN? IS IT A WOMAN AT BIRTH? IS IT WHAT WE BELIEVE? WE'RE GOING TO GET TO THE LGBTQ ISSUE HERE. SO THANK YOU FOR PULLING THIS BECAUSE I THINK THIS BRINGS US TO SOMETHING ELSE. AND I HOPE WE'LL STAY AT THE ISSUE AT HAND. THANK YOU. [LB83]

SENATOR SCHEER: THANK YOU, SENATOR CRAIGHEAD. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB83]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'M BEGINNING TO FEEL LIKE WE SHOULD BE STANDING OUTSIDE OF THE PIG PEN AT THE COUNTY FAIR WITH A GARDEN HOSE. WE'VE ENTERED INTO A LOT OF

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HOGWASH. WE TALK ABOUT HOW TOUGH THE WOMEN HAVE IT WHEN THEY'RE THE HEAD OF THE HOUSEHOLD. MY FATHER ALSO HAD THE MISFORTUNE, OR THE LACK OF INSIGHT, TO LAY DOWN ONE NIGHT AND NOT GET UP THE NEXT MORNING WHEN I WAS 8 AND MY OLDEST SIBLING WAS 16. WAS IT TOUGH FOR MY MOTHER? YEAH. IS IT ANY EASIER FOR A MAN THAT'S LEFT WITH FOUR OR FIVE KIDS TO TAKE CARE OF WITHOUT THE OTHER HALF OF THAT FAMILY THERE TO HELP CARRY THE LOAD? I DON'T THINK IT IS. I DON'T THINK GENDER ENTERS INTO THIS ARGUMENT. WHETHER YOU LIKE THIS GOING FROM 15 TO 2 IS NOT A MATTER OF GENDER. I'M NOT GOING TO TAKE MY BOOT OFF AND WAVE IT AROUND UP IN THE AIR OR ANYTHING. BUT WE'VE GONE FAR AFIELD ON THIS BILL. AS I'VE SAID BEFORE, GENDER DOES NOT ENTER INTO IT. WOMEN SEEM OT THINK...WOMEN IN THIS BODY, MOST OF THEM, SEEM TO THINK THAT THEY ARE SOMEHOW OPPRESSED. WAS MY MOTHER OPPRESSED WHEN SHE WAS LEFT WITH FIVE MOUTHS TO FEED AND 120-ACRE FARM WITH A HUGE MORTGAGE ON IT? PROBABLY. BUT THAT'S LIFE. YOU LEARN TO WORK YOUR WAY THROUGH SITUATIONS. AND SHE DID. SHOULD WE DISCRIMINATE AGAINST ANYBODY? NO, WE SHOULDN'T. DOES IT HAPPEN? YEP. CAN WE ELIMINATE IT BY LEGISLATION? NO, WE CANNOT. IF WE PASS LAWS, PEOPLE FIND A WAY AROUND THEM. THIS BILL, I THINK, DOES NOTHING EXCEPT PUT MORE BURDENS ON VERY SMALL BUSINESS AND WE'LL PROBABLY PUT SOME OF THEM OUT OF BUSINESS. IF SENATOR BURKE HARR IS AROUND, I WOULD LIKE TO ASK HIM A QUESTION OR TWO. [LB83]

SENATOR SCHEER: SENATOR HARR, ARE YOU AVAILABLE? [LB83]

SENATOR BLOOMFIELD: NOT SEEING HIM, I WOULD ASK SENATOR SCHUMACHER TO YIELD. [LB83]

SENATOR SCHEER: SENATOR SCHUMACHER, WILL YOU YIELD? [LB83]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SCHUMACHER. [LB83]

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SENATOR SCHUMACHER: YES, I WILL. [LB83]

SENATOR BLOOMFIELD: SENATOR HARR JUST CAME BACK IN. [LB83]

SENATOR SCHUMACHER: OH, OKAY. [LB83]

SENATOR BLOOMFIELD: SO, I'LL REFER BACK TO HIM. THANK YOU. IF SENATOR HARR WOULD YIELD. [LB83]

SENATOR SCHEER: SENATOR HARR, WILL YOU YIELD? [LB83]

SENATOR HARR: YES. [LB83]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. IS THERE ANYTHING IN THIS, NOW LB83, THAT EXEMPTS AGRICULTURE PRODUCTION? [LB83]

SENATOR HARR: NOT TO MY KNOWLEDGE. THEY'RE NOT ALLOWED TO DISCRIMINATE EITHER. [LB83]

SENATOR BLOOMFIELD: ARE THERE SPECIFIC JOB DESCRIPTIONS WITHIN AGRICULTURE WHERE YOU WILL DETERMINE HOW YOU WERE PAYING WHO? [LB83]

SENATOR HARR: I DON'T KNOW. BUT I WAS... [LB83]

SENATOR BLOOMFIELD: HOW IS THAT GOING TO BE HANDLED THEN, SENATOR? IF I HIRE TWO PEOPLE, ONE OF THEM TO RUN A PIECE OF VERY TECHNOLOGICAL EQUIPMENT AND ANOTHER ONE TO BUILD A FENCE, DO I HAVE TO CREATE A WHOLE LONG PROJECT OF JOB DESCRIPTIONS SO THAT I CAN PAY ONE A LITTLE LESS? [LB83]

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SENATOR HARR: NO. SO THAT'S THE BEAUTY OF THE EEOC AND THE NEOC IS THEY LOOK... [LB83]

SENATOR SCHEER: ONE MINUTE. [LB83]

SENATOR HARR: THANK YOU. THEY LOOK AT WHAT THE JOBS ARE AND TO SEE IF THEY HAVE TWO PEOPLE DOING THE SAME JOB OR EQUIVALENT JOB AND IS THERE WAGE DISCRIMINATIONS? IN THIS CASE, THOSE JOBS WOULD BE COMPLETELY SEPARATE, THAT THEY WOULDN'T FIT UNDER THAT. [LB83]

SENATOR BLOOMFIELD: WHAT HAPPENS, SENATOR, WHEN EEOC COMES IN BECAUSE I LET ONE OF THOSE EMPLOYEES GO? [LB83]

SENATOR HARR: YEP. [LB83]

SENATOR BLOOMFIELD: AND THEY ASK FOR MY RECORDS AND I SAY, YEAH, I DON'T HAVE THOSE KINDS OF RECORDS. I DON'T HAVE WHO I HIRED LAST YEAR. [LB83]

SENATOR HARR: THE IRS COULD...IRS WOULD REQUIRE YOU TO KEEP THOSE, BY THE WAY, AS WELL, AS WOULD CURRENTLY UNDER FEDERAL LAW. WE AREN'T CHANGING FEDERAL. FEDERAL LAW ALREADY REQUIRES YOU TO KEEP THOSE RECORDS. AGAIN, IT'S ABOUT VENUE. WHERE DO YOU...WHERE DOES THE EMPLOYER...EXCUSE ME,...WHERE DOES THE EMPLOYEE WANT TO GO, STATE OR FEDERAL? [LB83]

SENATOR BLOOMFIELD: ARE WE TALKING STRICTLY FULL-TIME EMPLOYEES OR PART TIME? [LB83]

SENATOR HARR: AS IT'S WRITTEN NOW, IT'S TWO OR MORE FULL-TIME EMPLOYEES. [LB83]



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SENATOR BLOOMFIELD: OKAY. I THINK WE'RE ABOUT TO RUN OUT OF TIME, SO THANK YOU. (INAUDIBLE.) [LB83]

SENATOR HARR: THANK YOU. SORRY FOR THE DELAY. [LB83]

SENATOR SCHEER: (INAUDIBLE.) THANK YOU, SENATOR HARR; THANK YOU, SENATOR BLOOMFIELD. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB83]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A COUPLE OF QUESTIONS. [LB83]

SENATOR SCHEER: SENATOR SCHUMACHER, WOULD YOU YIELD? [LB83]

SENATOR SCHUMACHER: YES, I WILL. [LB83]

SENATOR HILKEMANN: SENATOR, IN YOUR ARGUMENT, YOU SAID THAT THIS...THAT WE JUST VOTED THAT THE AMENDMENT BECAME THE BILL, AND I'VE READ THROUGH THIS, YOU'RE TALKING ABOUT THIS LIST AND SO FORTH. AND I DON'T READ THAT IN THE BILL. SO WHERE IS THIS COMING FROM, SENATOR? [LB83]

SENATOR SCHUMACHER: WELL, IN THE EXISTING NEBRASKA WAGE DISCRIMINATION LAW, STARTS OUT IN SECTION 48-1220 AND IT GOES THROUGH TO (SECTION) 48-1227.01. AND THOSE PAGES ARE TRIGGERED WHEN YOU BECOME AN EMPLOYER. NOW, UNDER THE LAW AS IT'S WRITTEN NOW, FOR PURPOSES OF THOSE PAGES, YOU ARE NOT AN EMPLOYER UNLESS YOU HAVE 15 PEOPLE. WE ARE CHANGING THE WORD "FIFTEEN" TO "TWO." SO FOR THE PURPOSES OF THOSE PAGES, ALL THOSE EMPLOYERS WHO ARE BELOW 15 SUDDENLY ARE SUBJECT TO THE ACT. AND THERE'S A LOT OF TALK ABOUT HOW THIS...IT'S JUST GOING TO BE NO DIFFERENCE, BECAUSE THEY'VE GOT TO DO IT UNDER THE FEDERAL LAW. THERE'S GOING TO BE DIFFERENCE IN THE NATURE OF ENFORCEMENT. AND ALSO, THE IRS DOES NOT REQUIRE YOU TO KEEP

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RECORDS TO...THEY'RE INTERESTED ONLY IN WAGES; THEY'RE NOT INTERESTED IN WHAT AN EMPLOYEE DOES AND HOW THEY DO IT. [LB83]

SENATOR HILKEMANN: NOW, SENATOR, IS THE FEDERAL LAW, IS THAT REQUIRE TWO OR MORE FULL-TIME, OR IS IT 15? [LB83]

SENATOR SCHUMACHER: I THINK THE FEDERAL LAW MAY BE THE TWO OR MORE; I DON'T KNOW THAT. BUT I KNOW THE STATE LAW AND BRING ALL THESE OTHER SIDE REGULATIONS IN UNDER STATE LAW IS NOW AT 15. [LB83]

SENATOR HILKEMANN: SO THEN, THE REAL...WE'VE HAD SOME ARGUMENT HERE THIS MORNING THAT THIS BILL, ESSENTIALLY, DOESN'T DO ANYTHING EXCEPT...CHANGE THINGS EXCEPT GIVE US A STATE STANDARD OVER A FEDERAL STANDARD THAT WE HAVE. THE DIFFERENCE THAT YOU'RE SAYING IS THAT WE REALLY...THE DIFFERENCE IS, WE'RE GOING FROM 15 TO 2. [LB83]

SENATOR SCHUMACHER: AND WE'RE OPENING UP A WHOLE NEW BATCH OF ENFORCERS AND ENFORCING RULES ON THOSE 15 TO 2 PEOPLE THAT AREN'T SUBJECT TO THE STATE ACT NOW. [LB83]

SENATOR HILKEMANN: OKAY, SO THAT ANSWERS MY OTHER QUESTION THAT I HAD HERE. THANK YOU, SENATOR SCHUMACHER. AND WHAT TIME I HAVE REMAINING I'LL FORWARD TO SENATOR KINTNER. [LB83]

SENATOR SCHEER: SENATOR KINTNER, WILL YOU YIELD? [LB83]

SENATOR KINTNER: HE YIELDED HIS TIME TO ME. [LB83]

SENATOR SCHEER: SENATOR KINTNER, YOU'RE YIELDED 2:00. [LB83]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I...AS I LOOK AT THIS, I THINK WE CAN CALL IT THE "TRIAL LAWYER EMPLOYMENT ACT." AND

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EVERY TIME WE OPEN UP A NEW VENUE TO SUE, THEY HAVE A LITTLE MORE BUSINESS. SO, HOWEVER, WHEN I CAME DOWN HERE AS A SENATOR, I DIDN'T COME DOWN TO GIVE THE TRIAL LAWYERS MORE BUSINESS. I'M KIND OF AMAZED AT MY FRIENDS ON THE LEFT AND WHERE THEY DRAW THE LINE IN THE SAND AND WHAT THEY DEFINE AS VICTORY. WE LITERALLY HAVE A BILL HERE THAT WE'VE SPENT AN HOUR AND 40 MINUTES ON THAT WILL HELP NO ONE. YOU KNOW, AND ON OUR SIDE IT ONLY HURTS BUSINESSES A LITTLE BIT, IT'S NOT GOING TO KILL THEM, BUT IT'S NOT GOING TO, I MEAN IT'S...IT INCONVENIENCES AND BURNS BUSINESSES. I DON'T THINK BUSINESSES LIKE THE IDEA OF SOMEONE BEING ABLE TO COME IN TO THEIR OPERATION ANY TIME THEY WANT AND DEMAND TO SEE THE PAPERWORK. [LB83]

SENATOR SCHEER: ONE MINUTE. [LB83]

SENATOR KINTNER: AND SENATOR CRAIGHEAD SAID THAT THIS WAS ABOUT TRANSPARENCY. AND SHE'S BEEN VERY GOOD ABOUT TRANSPARENCY AND GOVERNMENT, SENATOR CRAIGHEAD HAS, BUT IT'S NOT THE SAME THING. BUSINESSES DON'T NEED TO HAVE TRANSPARENCY. THEY'RE A BUSINESS, ESPECIALLY WHEN THEY'RE NOT A CORPORATION. AND THIS IS A SOLUTION IN SEARCH OF A PROBLEM; THIS IS FEEL-GOOD LEGISLATION. IT LETS THE LIBERALS SAY--WE DID SOMETHING THAT DOESN'T ACTUALLY DO ANYTHING. AND IT'S NOT NEEDED AND IT'S SOMEWHAT BURDENSOME FOR SMALL BUSINESS. AND I THINK EVERYTHING HAS BEEN SAID ABOUT EVERYTHING THAT WE CAN POSSIBLY SAY AND I WOULD URGE MY COLLEAGUES TO...LET'S TAKE THIS TO A VOTE AND LET'S VOTE THIS THING DOWN AND MOVE ON WITH THE BUSINESS OF THE PEOPLE. THANK YOU, MR. PRESIDENT. [LB83]

SENATOR SCHEER: THANK YOU, SENATOR KINTNER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB83]

SENATOR PANSING BROOKS: QUESTION. [LB83]

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SENATOR SCHEER: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR PLEASE VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB83]

ASSISTANT CLERK: 23 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB83]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS DAVIS, KOLOWSKI, BOLZ, SCHNOOR, MORFELD, CHAMBERS, AND GROENE, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR KOLOWSKI, COULD YOU PLEASE CHECK IN. SENATOR SCHNOOR, SENATOR CHAMBERS, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, HOW WOULD YOU LIKE TO PROCEED? [LB83]

SENATOR PANSING BROOKS: MACHINE VOTE, PLEASE. [LB83]

SENATOR SCHEER: OKAY, SENATOR...EXCUSE ME, SENATOR COOK; AT SENATOR PANSING BROOKS' REQUEST... [LB83]

SENATOR PANSING BROOKS: YES. [LB83]

SENATOR SCHEER: THE QUESTION IS, DO YOU WANT A RECORD VOTE OR WOULD YOU ACCEPT CALL-INS? [LB83]

SENATOR PANSING BROOKS: OH, I'D BE HAPPY TO ACCEPT CALL-INS. [LB83]

SENATOR SCHEER: THE MOTION IS TO CEASE DEBATE. [LB83]

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ASSISTANT CLERK: SENATOR HOWARD VOTING YES. SENATOR DAVIS VOTING YES. SENATOR KOLOWSKI VOTING YES. SENATOR SULLIVAN VOTING YES. [LB83]

SENATOR SCHEER: PLEASE RECORD. [LB83]

ASSISTANT CLERK: 25 AYES, 2 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB83]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR COOK, YOU'RE NOW RECOGNIZED TO CLOSE ON LB83. [LB83]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I'D LIKE TO THANK THOSE OF YOU WHO SUPPORTED THE COMMITTEE AMENDMENT TO LB83. AS I HAVE MENTIONED AND OTHERS HAVE MENTIONED THIS MORNING, THE COMMITTEE AMENDMENT BECOMES THE BILL. SO WITH THAT I WOULD ALSO REITERATE THAT THE LANGUAGE OF THE BILL WOULD ONLY APPLY TO WAGE DISCRIMINATION PURSUANT TO THE EQUAL PAY ACT. WITH THAT, I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB83 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB83]

SENATOR SCHEER: THANK YOU, SENATOR COOK. THE QUESTION IS THE ADVANCEMENT OF LB83 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED PLEASE VOTE NAY. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE...I GUESS I DIDN'T HEAR ANYTHING FROM THE BACK. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB83]

ASSISTANT CLERK: 26 AYES, 7 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB83]

SENATOR SCHEER: THE BILL ADVANCES. MR. CLERK. RAISE THE CALL. [LB83]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB710, INTRODUCED BY SENATOR HUGHES. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON

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JANUARY 6; REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM1846, LEGISLATIVE JOURNAL PAGE 638.) [LB710]

SENATOR SCHEER: SENATOR HUGHES, YOU'RE RECOGNIZED TO OPEN ON LB710. [LB710]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB710 CAME DIRECTLY FROM AN ISSUE THAT INVOLVED A SCHOOL IN MY DISTRICT. IN VISITING WITH THE SUPERINTENDENT DEALING WITH THIS ISSUE, I DECIDED TO LOOK INTO IT FURTHER, AND UPON INVESTIGATION, CAME UPON OTHER INCIDENTS IN NEBRASKA AND SEVERAL IN OTHER STATES WHERE TEENAGERS WERE ENGAGING IN ACTIVITY THAT WOULD FALL UNDER THE DEFINITION OF HAZING. CURRENT NEBRASKA STATUTES ONLY APPLY TO POSTSECONDARY STUDENTS, SO THIS BILL WILL EXPAND THE LAW TO INCLUDE OTHER INDIVIDUALS AS WELL. THE COUNTY ATTORNEY IN THIS CASE DIDN'T FEEL THE CURRENT LAW WAS BROAD ENOUGH TO PROSECUTE THE INCIDENT WHICH WAS THE IMPETUS FOR THIS BILL. IN WRITING THIS BILL, WE CONSULTED WITH THE NEBRASKA SCHOOL ADMINISTRATORS ASSOCIATION. WE ALSO REACHED OUT FOR INPUT FROM THE UNIVERSITY OF NEBRASKA, THE NEBRASKA STATE EDUCATION ASSOCIATION, AND OTHERS TRYING TO COME UP WITH THE RIGHT LANGUAGE. THIS BILL WILL EXPAND CURRENT LAW WHICH PRIOR TO THIS ONLY APPLIED TO POSTSECONDARY ORGANIZATIONS. THERE IS A FINE FOR ORGANIZATIONS WHICH IS DESIGNATED TO APPLY...DESIGNED TO APPLY TO ORGANIZATIONS LIKE FRATERNITIES AND SORORITIES. IT IS NOT OUR INTENT TO FINE SCHOOLS OR OTHER PUBLIC INSTITUTIONS, BUT TO MAKE THIS A CRIMINAL PENALTY THAT COURTS CAN HANDLE BECAUSE MOST SCHOOLS DON'T FEEL THEY HAVE THE AUTHORITY TO DEAL WITH IT. MANY OF THESE EVENTS OCCUR OFF SCHOOL PROPERTY, SO WE NEEDED TO BROADEN THE SCOPE TO MAKE SURE WE'VE COVERED AS MANY SITUATIONS AS POSSIBLE. MY INTENT WITH THIS BILL IS MORE ABOUT PROTECTING KIDS THAN PUNISHING THEM. THIS WILL GIVE SCHOOL ADMINISTRATORS, YOUTH SPONSORS, AND LAW

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ENFORCEMENT MORE TOOLS IN THEIR TOOLBOX TO TRY TO REINFORCE TO OUR YOUNG PEOPLE THIS BEHAVIOR IS UNACCEPTABLE AND WILL NOT BE TOLERATED, AND THERE WILL BE CONSEQUENCES OUTSIDE OF SCHOOL IN THE COURT SYSTEM SHOULD THEY ENGAGE IN THIS TYPE OF ACTIVITY. PART OF THE GOAL OF THIS BILL WOULD BE TO EDUCATE CHILDREN AT A YOUNGER AGE THAT THIS BEHAVIOR IS NOT ACCEPTABLE AND WILL NOT BE TOLERATED. AND HOPEFULLY THAT LESSON WILL BE LEARNED EARLY AND WILL BE CARRIED THROUGH THEIR TEENAGE YEARS AND TO THEIR COLLEGE YEARS, SHOULD THEY CHOOSE TO CONTINUE THEIR EDUCATION. THIS BILL WILL NOT ONLY SEND A MESSAGE TO OLDER KIDS THAT SUCH BEHAVIOR IS UNACCEPTABLE AND CARRIES CRIMINAL REPERCUSSIONS, BUT IT WILL ALSO LET YOUNGER CHILDREN KNOW THAT THEY DO NOT HAVE TO SUBMIT TO ANY TYPE OF HAZING FROM ANYONE. THERE IS A COMMITTEE AMENDMENT, THE AMENDMENT ADDS THE WORD "COERCING" IN THE LIST OF DEFINITIONS. WE FELT IT WAS IMPORTANT TO INCLUDE THIS TO HELP CLARIFY SOME OF THE ACTIVITIES THAT WOULD BE CONSIDERED HAZING. WE ALSO ADDED A SEVERABILITY CLAUSE. NO ONE TESTIFIED IN OPPOSITION TO THIS BILL. AND I'D LIKE TO THANK THE JUDICIARY COMMITTEE FOR ADVANCING IT OUT ON AN 8-0 VOTE. I WOULD APPRECIATE YOUR GREEN VOTE ON THE AMENDMENT AND LB710. THANK YOU, MR. PRESIDENT. [LB710]

SENATOR SCHEER: THANK YOU, SENATOR HUGHES. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB710]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AM1846 TO LB710 ADVANCED FROM THE JUDICIARY BY UNANIMOUS VOTE WITH ALL EIGHT MEMBERS PRESENT AND VOTING. YOU THAT HAVE ALREADY STUCK AROUND, SENATORS, ARE GOING TO HEAR THE SHORTEST AMENDMENT I THINK JUDICIARY HAS EVER CREATED. WHAT IT DOES, IT ADDS A SEVERABILITY CLAUSE AND IT ADDS--OR THE COERCING OF ANY ACTIVITY; AND THEN IT SAYS,

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STRIKE SUBSECTION (2) AND (3), AND ADD THE ORIGINAL (3) BACK IN, AND THAT'S IT. WE ASK YOUR GREEN VOTE IN SUPPORT OF AM1846 TO LB710. THANK YOU. [LB710]

SENATOR SCHEER: THANK YOU, SENATOR SEILER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB710]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES; GOOD MORNING, NEBRASKA. WHETHER IT HAPPENS IN SCOTTSBLUFF OR CHADRON OR OMAHA, THESE KIND OF SITUATIONS HAVE TO BE DEALT WITH. AND THEY HAVE TO BE DEALT WITH IN A WAY THAT IS BOTH MORAL AND LEGAL, AND MOST OF ALL, TIMELY. WE HAVE A YOUNG MAN WHO WAS BULLIED AND COMMITTED SUICIDE IN THE METROPOLITAN AREA. HIS FATHER WAS A...IN EDUCATION. IT WAS HAPPENING IN HIS OWN SCHOOL DISTRICT. THESE ARE THE KIND OF THINGS THAT I...THAT MAKE ME PROUD TO BE PART OF THIS BODY BECAUSE SOME OF THE DISCUSSION YOU'VE HEARD ON THE MIKE THIS MORNING IS WE CAN'T STATUTORILY TELL ANYBODY WHAT TO DO AND HOLD THEM TO IT. WE CAN'T SOLVE PROBLEMS; WE CAN'T...WE CAN'T...WE CAN'T...WELL, WE CAN. WE CAN AND WE CAN PUT TOOLS IN THE RIGHT HANDS OF EDUCATORS, COUNTY ATTORNEYS, PUBLIC DEFENDERS, AND WE CAN FIGHT THESE KINDS OF ISSUES AT THE BASE AT THE ROOT LEVEL. IN MY DAY, THEY JUST USED TO SAY--OH, HE'S JUST BEING A BOY, OR, HE'S JUST BEING A KID; KIDS CAN BE RUTHLESS. IT HAS ESCALATED IN OUR SOCIETY TODAY TO A POINT WHERE BULLYING IS NOT JUST HAPPENING IN THIS CHAMBER, IT'S HAPPENING WITH OUR KIDS. I WANT TO THANK SENATOR HUGHES FOR BRINGING IT. I WANT TO THANK THOSE WHO CAME IN AND TESTIFIED BOTH IN SUPPORT OF IT AND REGISTERED SOME CONCERN ABOUT HOW WE WOULD HANDLE THE SITUATION. THERE IS NO...NO ONE MORE IMPORTANT TO ME IN THIS STATE THAN OUR YOUTH, TRULY. WE NEED TO VOTE GREEN ON AM1846 AND LB710 BECAUSE IT'S THE RIGHT THING TO DO. THANK YOU, MR. PRESIDENT. [LB710]



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SENATOR SCHEER: THANK YOU, SENATOR KRIST. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB710]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT; GOOD MORNING, NEBRASKA. I WONDER IF SENATOR HUGHES WOULD YIELD TO A FEW QUESTIONS. [LB710]

SENATOR SCHEER: SENATOR HUGHES, WILL YOU YIELD, PLEASE? [LB710]

SENATOR HUGHES: OF COURSE. [LB710]

SENATOR DAVIS: SENATOR HUGHES, I COMPLETELY SUPPORT YOUR IDEA AND WHAT YOU'RE TRYING TO DO WITH THIS BILL, BUT I JUST WANT TO GET SOME THINGS ON THE RECORD AND SORT OF ADDRESS SOME QUESTIONS THAT I HAVE. IS THE INTENT HERE OUTSIDE OF A SCHOOL FACILITY, AND ARE WE TALKING COLLEGE STUDENTS, HIGH SCHOOL STUDENTS, JUNIOR HIGH STUDENTS? WHAT ARE WE LOOKING AT? [LB710]

SENATOR HUGHES: THIS LEGISLATION WOULD OPEN IT UP TO ALL INDIVIDUALS SHOULD THEY FEEL THEY'RE BEING HAZED. [LB710]

SENATOR DAVIS: SO IF IT TAKES PLACE AT THE SCHOOL, DOES THAT BRING THE SCHOOL INTO IT IN TERMS OF LIABILITY AT ALL? [LB710]

SENATOR HUGHES: THE SCHOOL...THE INCIDENT THAT...IT OCCURRED WAS A SCHOOL-SPONSORED ACTIVITY, BUT IT WAS NOT ON THE SCHOOL GROUNDS. THERE ARE...THE SCHOOLS DON'T FEEL THEY HAVE THE AUTHORITY TO PROSECUTE OUTSIDE OF SCHOOL...THE SCHOOL SYSTEM, RULES AND REGULATIONS. SO THE SCHOOLS CAN PUNISH FOR AN INCIDENT, BUT THEY DON'T SHARE WHAT THEY DO TO THE KIDS BECAUSE THAT IS A PRIVACY ISSUE. SO THEY WOULD LIKE TO HAVE THIS BILL IN CRIMINAL STATUTE THAT WILL ALLOW THEM TO GET LAW ENFORCEMENT INVOLVED AND HAVE A CRIMINAL PENALTY, AND THAT GIVES THEM ADDITIONAL AVENUES WITH WHICH TO TRY

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AND PUNISH THE INCIDENT AND ALSO PREVENT THEM FROM OCCURRING IN THE FUTURE. [LB710]

SENATOR DAVIS: THANK YOU, SENATOR HUGHES. THE REASON I'M ASKING THAT QUESTION, MAYBE MANY OF YOU IN HERE REMEMBER LAST YEAR, I BROUGHT A BILL ON BEHALF OF A YOUNG HISPANIC GIRL WHO HAD BEEN BULLIED OUTSIDE THE SCHOOL ON THE STREETS OF LINCOLN, AND WE ENDED UP WITH THESE JURISDICTIONAL ARGUMENTS OVER WHO WAS RESPONSIBLE FOR THAT, WHETHER IT WOULD BE THE SCHOOL, WHICH CAN'T REALLY POLICE THOSE ACTIVITIES, AND/OR THE POLICE THEMSELVES WHO DIDN'T FEEL THAT THERE WAS A WAY FOR THEM TO...DIDN'T HAVE THE MANPOWER TO MONITOR THE SCHOOL SYSTEM. AND I REALIZE THIS IS A DIFFERENT SITUATION. I AM FAMILIAR WITH THE CASE THAT YOU'RE TALKING ABOUT. I JUST THOUGHT IT WAS IMPORTANT THAT WE HAD SOME DISCUSSION ON THE FLOOR SO THAT THERE WOULD BE SOME DIRECTION IN CASE THAT WAS NEEDED DOWN THE ROAD. AND SO WITH THAT, I WOULD CERTAINLY STAND IN SUPPORT OF THE AMENDMENT AND ALSO THE BILL. THANK YOU. [LB710]

SENATOR SCHEER: THANK YOU, SENATOR HUGHES; THANK YOU SENATOR DAVIS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB710]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I ALMOST HATE TO BRING UP ALL THESE TECHNICAL ISSUES ON LEGAL STUFF BECAUSE SOMETIMES WE JUST BLOW PAST THOSE. BUT CURRENTLY OUR EXISTING LAW HAS TWO PROVISIONS WHICH I WOULD THINK BE APPLICABLE TO WHATEVER SITUATION THAT SENATOR HUGHES IS DESCRIBING. ONE SAYS--A PERSON WHO SUBJECTS ANOTHER PERSON TO SEXUAL CONTACT IS GUILTY OF SEXUAL ASSAULT IN THE SECOND OR THIRD DEGREE, AND IT WILL BE A CLASS I MISDEMEANOR IF THERE WAS NO SERIOUS PERSONAL INJURY CAUSED. AND IF IT'S CHARGED AS AN ATTEMPT, IT WOULD BE A CLASS II MISDEMEANOR. SO WHAT DO THEY MEAN BY SEXUAL CONTACT? AND THE LAW GOES ON--SEXUAL CONTACT MEANS THE INTENTIONAL TOUCHING OF A VICTIM'S SEXUAL OR

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INTIMATE PARTS OR THE INTENTIONAL TOUCHING OF THE VICTIM'S CLOTHING COVERING THE IMMEDIATE AREA OF THOSE PARTS; SHALL INCLUDE ONLY THE CONDUCT WHICH WOULD BE REASONABLY CONSTRUED BEING FOR THAT OF SEXUAL GRATIFICATION OF EITHER PARTY. ANOTHER PROVISION, A MUCH LESSER PROVISION SAYS--ANY PERSON WHO WILL INTENTIONALLY DISTURB THE PEACE AND QUIET OF A PERSON COMMITS THE OFFENSE OF DISTURBING THE PEACE. AND THAT CAN BE A CLASS III OR CHARGED AS AN ATTEMPT A CLASS II CRIME. IF I HAVE TIME AT THE END OF THIS, I'LL ASK SENATOR HUGHES WHY HE FEELS THAT NEITHER OF THOSE TWO WOULD HAVE APPLIED TO THE SITUATION HE HAS IN MIND AND THE NEED FOR THIS LAW. BUT GETTING DOWN TO THE CHANGES MADE IN THIS LAW, YOU NOTICE THAT THE JUDICIARY COMMITTEE ADDED A SEVERABILITY CAUSE WHICH SAYS, WELL, IF THE COURTS HAVE PROBLEMS WITH ONE PARAGRAPH, THEY CAN THROW IT OUT WITHOUT THROWING THE WHOLE THING OUT. WELL, THE PROBLEM THAT THE COURTS ARE GOING TO HAVE WITH THIS BILL IS THAT IT ATTEMPTS TO CREATE LIABILITY ON THE ORGANIZATION FOR THE ACTS OF ITS MEMBERS. AND THERE ISN'T A TIGHT NEXUS BETWEEN THE ACTS OF ITS MEMBERS. SO IF A MEMBER OF A CHURCH GOES OUT AND DOES SOMETHING TO TRY TO FURTHER THE RELIGIOUS BELIEFS OF THAT CHURCH, THE CHURCH IS LIABLE. AND I THINK THEY'RE GOING TO HAVE CONSTITUTIONAL PROBLEMS AND THAT'S GOING TO BE PROBABLY WHY THE JUDICIARY COMMITTEE DID WHAT IT DID. BUT THE CHANGE THAT IS MADE IN THE LANGUAGE THAT SENATOR HUGHES REFERS TO, NOW DOES BRING CHURCHES AND OTHER ORGANIZATIONS UNDER THE PURVIEW OF THIS LAW BECAUSE WE'RE NO LONGER TALKING ABOUT EDUCATIONAL ORGANIZATIONS, THAT'S ALL BEEN STRICKEN, WE'RE JUST SAYING ANY ORGANIZATION. SO NOW WE'VE COMPLETELY BROADENED THE HAZING LAW OUT TO ANY ORGANIZATION OF ANY NATURE. IT'S NOT LIMITED, AS I READ THIS, TO EDUCATIONAL ORGANIZATIONS OR COLLEGES OR ANYTHING OF THAT NATURE. AND I THINK THAT THAT MAY DESERVE SOME THOUGHT IN THIS BODY AS TO WHAT WE WANT TO DO, PARTICULARLY IF YOU WOULD ASSUME FOR THE MOMENT THAT THE ADDITION OF THE LIABILITY PROVISIONS

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ARE CONSTITUTIONAL. SENATOR HUGHES, WOULD YOU YIELD TO A QUESTION?  
[LB710]

SENATOR SCHEER: SENATOR HUGHES, WOULD YOU YIELD? []

SENATOR HUGHES: OF COURSE. [LB710]

SENATOR SCHUMACHER: SENATOR HUGHES, THE TWO LAWS THAT I READ,  
WITHOUT GETTING INTO THE EXACT NATURE OF THE INCIDENT THAT YOU'RE  
DESCRIBING, WHY DID THEY NOT APPLY? [LB710]

SENATOR HUGHES: WOULD YOU REFRESH ME ON THE TWO LAWS? [LB710]

SENATOR SCHUMACHER: TWO LAWS WAS DISTURBING THE PEACE AND QUIET OF  
ANY PERSON. [LB710]

SENATOR SCHEER: ONE MINUTE. [LB710]

SENATOR SCHUMACHER: AND THE OTHER ONE WAS SUBJECTING A PERSON TO  
SEXUAL CONTACT WHICH, BASICALLY, IS CONTACT WITH THE GENITALS OR  
THAT GENERAL AREA THROUGH THE CLOTHING OF ANOTHER PERSON. [LB710]

SENATOR HUGHES: SENATOR SCHUMACHER, I'M NOT AN ATTORNEY. THE REASON  
WE'VE MOVED FORWARD IN CONSULTATION WITH SCHOOL ATTORNEYS THAT  
LOOKED AT THE INCIDENT AND THE INCIDENT THAT BROUGHT THIS  
LEGISLATION FORWARD, THE COUNTY ATTORNEY INVOLVED DID NOT FEEL SHE  
HAD STATUTES WITH WHICH TO PROSECUTE. SO SHE READ THE SAME LAW THAT  
YOU'RE READING AND DIDN'T FEEL THAT THOSE LAWS GAVE HER BROAD  
ENOUGH OPPORTUNITY TO PROSECUTE THE INCIDENT THAT HAD HAPPENED IN  
HER COUNTY, AND WE'VE HAD THIS CONVERSATION BEFORE. [LB710]

SENATOR SCHUMACHER: SENATOR, IS IT YOUR INTENTION... [LB710]

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SENATOR SCHEER: TIME, SENATORS. [LB710]

SENATOR SCHUMACHER: THANK YOU. [LB710]

SENATOR SCHEER: THANK YOU, SENATOR HUGHES; THANK YOU, SENATOR SCHUMACHER. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB710]

SENATOR KOLOWSKI: THANK YOU, MR. CHAIRMAN. I JUST WANT TO THANK SENATOR HUGHES FOR BRINGING THIS FORWARD. FROM THE PERSPECTIVE OF A 41-YEAR EDUCATOR IN OUR PUBLIC SCHOOLS, THE FOSTERING OF A POSITIVE CLIMATE AND CULTURE WITHIN THE SCHOOL IS EXTREMELY IMPORTANT AND CARRIES OVER ACROSS THE BOARD THROUGHOUT YOUR SCHOOL, THROUGHOUT THE SCHOOL DISTRICT, AND EVEN INTO YOUR COMMUNITY. WE LIMIT OURSELVES MANY TIMES AS FAR AS OUR OUTREACH AND WHAT WE MIGHT DO AS FAR AS TRYING TO FOSTER POSITIVE BEHAVIOR WITH STUDENTS WHEN WE BACK OFF AND HESITATE AND START THINKING LEGALLY ABOUT EVERY ASPECT OF--IF I DO THIS, IF I DO THAT, WHAT WOULD HAPPEN? WHAT WE NEED TO DO IS TAKE A VERY POSITIVE OUTLOOK TOWARD WHAT WE WOULD LIKE THE CLIMATE AND CULTURE OF OUR SCHOOL BUILDINGS TO BE LIKE AND THE ATTITUDES OF OUR KIDS TOWARD ONE ANOTHER. IF WE DO THAT WITH PROPER TRAINING OF OUR STAFF AS WELL, INCLUDING EVERY ACTIVITY SPONSOR WHERE STUDENTS WOULD BE IN A SITUATION WHERE THROUGH SPORTS OR OTHER ACTIVITIES, THEY HAVE AN ACTIVE ROLE BEFORE, AFTER SCHOOL, DURING WEEKENDS, IN LOTS OF TOURNAMENTS, IN DIFFERENT PLACES, TO UPHOLD THE STANDARDS OF WHAT YOU HAVE ESTABLISHED IN THAT BUILDING AND IN THAT DISTRICT ARE EXTREMELY IMPORTANT LESSONS FOR OUR STUDENTS. AND YOU BACK THOSE IN EVERY WAY YOU CAN TO HAVE THE POSITIVE CULTURE EXPAND AND HAVE A GREATER IMPACT UPON YOUR STUDENTS AND YOUR COMMUNITY. SO I HOPE AS WE THINK THROUGH THE VARIOUS POINTS OF THIS PARTICULAR BILL, WE ALSO EXTEND IT TO THE SCHOOLS AND LOOK AND THINK IN TERMS OF WHAT WE MIGHT DO IN A BROADER SENSE TO OUR COMMUNITIES AS A WHOLE AS WE HAVE THIS

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OPPORTUNITY TO MAKE A DIFFERENCE. HAZING, HARASSMENT, ANY OF THE BULLYING TYPE OF EXPERIENCES OR BEHAVIORS ARE UNCALLED FOR, CANNOT LET THAT HAPPEN, MUST NOT LET THAT HAPPEN. ALL THROUGH OUR SOCIETY, WE HAVE EXAMPLES OF WHERE IT'S GONE TOO FAR, ALL THE WAY UP TO AND INCLUDING THE DEATHS OF PARTICIPANTS THAT HAVE HAD THE CONSEQUENCES OF THE EXCESSIVE HAZING GETTING OUT-OF-HAND. I HOPE WE'LL KEEP ALL THAT IN MIND AS WE LOOK AT THIS BILL AND MOVE FORWARD TO A SUCCESSFUL COMPLETION OF THIS PARTICULAR BILL. THANK YOU. [LB710]

SENATOR SCHEER: THANK YOU, SENATOR KOLOWSKI. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB710 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK. [LB710]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB710]

SENATOR SEILER: THE AMENDMENT IS ADOPTED. DISCUSSION ON ADVANCEMENT OF LB710 TO E&R INITIAL WILL CONTINUE. SEEING NO ONE WISHING TO SPEAK, SENATOR HUGHES, YOU'RE WELCOME TO CLOSE ON LB710. SENATOR HUGHES WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB710 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB710]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB710]

SENATOR SEILER: LB710 ADVANCES TO E&R INITIAL. MR. CLERK, WE'LL PROCEED TO LB722. [LB710 LB722]

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ASSISTANT CLERK: LEGISLATIVE BILL, LB722, INTRODUCED BY SENATOR BAKER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 6, OF THIS YEAR; REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2126, LEGISLATIVE JOURNAL PAGE 681.) [LB722]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON LB722. [LB722]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. LB722 ESTABLISHES A BEGINNING OF A STATEWIDE SYSTEM, A STROKE SYSTEM OF CARE CONSISTING OF STROKE HOSPITAL DESIGNATION, EMS PROTOCOLS, AND A STROKE TASK FORCE TO HELP TREAT STROKE PATIENTS IN A TIMELY MANNER AND TO IMPROVE THE OVERALL OUTCOMES OF THESE PATIENTS. A FRAGMENTED AND DISORGANIZED DELIVERY SYSTEM CAN PROHIBIT PATIENTS FROM RECEIVING CRITICAL TREATMENT. THE RAPID IDENTIFICATION, DIAGNOSIS, AND TREATMENT OF STROKE CAN SAVE THE LIVES OF STROKE PATIENTS, AND IN SOME CASES, CAN REVERSE NEUROLOGICAL DAMAGE SUCH AS PARALYSIS, SPEECH AND LANGUAGE IMPAIRMENTS, LEAVING STROKE PATIENTS WITH FEW OR NO NEUROLOGICAL DEFICITS. IT COULD ALSO SAVE SIGNIFICANT DOLLARS BY AVOIDING LONG-TERM CARE PATIENT COSTS. STROKES ARE THE FIFTH LEADING CAUSE OF DEATH IN NEBRASKA AND ONE OF THE LEADING CAUSES OF DISABILITY. TOTAL HOSPITAL CHARGES FOR STROKES INCREASED BY OVER \$54 MILLION BETWEEN 2001 AND 2010...WENT FROM \$54 MILLION TO \$108 MILLION. AVERAGE CHARGE PER STROKE HOSPITALIZATION WAS \$31,100 IN 2010. LB722 ORIGINALLY CAME ABOUT FROM PROFESSIONALS IN NEBRASKA WORKING THE STROKE FIELD TO IDENTIFY THE GAPS IN OUR SYSTEM. IT IS IMPORTANT TO RECOGNIZE THE DIFFERENT CAPABILITIES IN OUR MEDICAL CENTERS TO TREAT STROKES ARE RECOGNIZED TO ENSURE THE BEST CARE IS DELIVERED PROMPTLY. COORDINATION BETWEEN HOSPITALS AND EMS IS CRITICAL IN TREATING AN ACUTE EVENT SUCH AS STROKE. I WOULD NOW DIRECT YOUR ATTENTION TO THE COMMITTEE AMENDMENT BECAUSE IT REPLACES THE BILL.

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AND YOU ARE RECEIVING A HANDOUT WITH SOME INFORMATION THERE. AM2126 BECOMES THE BILL. THIS AMENDMENT ADDRESSES THREE THINGS. IT WAS REDUCED DOWN TO THREE THINGS BECAUSE THE FISCAL NOTE ON THE ORIGINAL BILL CAME IN AT QUITE A HIGH NUMBER AND REALIZED THAT THAT WASN'T GOING TO PROBABLY FLY, SO IT'S REDUCED TO ONE, THE HOSPITAL DESIGNATION. HOSPITALS CAN OFFICIALLY RECOGNIZE HOSPITALS STROKE DESIGNATION TO ASSURE THE BEST CARE IS DELIVERED PROMPTLY. THE JOINT COMMISSION OF THE AMERICAN HEART ASSOCIATION HAS ALREADY IDENTIFIED THE CRITERIA FOR CARE THE FACILITIES SHOULD MEET TO PROVIDE PATIENTS THE BEST CARE POSSIBLE, AND SOME OF THAT IS ON YOUR HANDOUT. TO DATE, 12 STATES AND THE DISTRICT OF COLUMBIA HAVE ADOPTED THESE THREE LEVELS THROUGH LEGISLATION OR REGULATION. SEVENTEEN ADDITIONAL STATES ARE ALSO LOOKING AT SIMILAR HOSPITAL DESIGNATION POLICY PROPOSALS. BY OFFICIALLY RECOGNIZING HOSPITAL DESIGNATION, WE CAN HELP TO ENSURE THE BEST CARE IS DELIVERED PROMPTLY. EMERGENCY MEDICAL SERVICE ALSO PLACES A CRUCIAL ROLE IN STROKE CARE. IN TREATING STROKE, YOU OFTEN HEAR THE PHRASE--TIME IS BRAIN. THE PHRASE "TIME IS BRAIN" EMPHASIZES THE HUMAN NERVOUS TISSUE IS RAPIDLY LOST AS STROKE PROGRESSES AND THE EMERGENCY EVALUATION AND THERAPY ARE REQUIRED. THE LONGER A STROKE IS NOT DIAGNOSED AND LEFT UNTREATED, THE MORE DAMAGE TO ONE'S BRAIN. THIS BILL WILL ESTABLISH GREATER COORDINATION IN THE SYSTEM AS EMS WILL KNOW WHERE DIFFERENT STROKE DESIGNATED HOSPITALS ARE AND WILL HAVE PLANS AND PROTOCOLS IN PLACE FOR ASSESSMENT, TREATMENT, AND TRANSPORT. THREE, FORMATION OF A STROKE TASK FORCE. IT IS IMPORTANT TO CONTINUE TO LOOK AT IMPROVING THE SYSTEM IN ALL AREAS. THE FORMATION OF A STROKE TASK FORCE IS PART OF THE BILL WITH A WIDE RANGE OF REPRESENTATION OF HEALTH PROFESSIONALS. AMONG THE ROLES OF THE TASK FORCE IS TO PROVIDE RECOMMENDATIONS AND INPUT OF STROKE CARE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THROUGH THIS AMENDMENT, AM2126, FOCUSES MOST ESSENTIAL ISSUES TO ADDRESS STROKE READINESS STATE. AS THE TASK FORCE MEETS AND WORKS



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TO ADDRESS STROKE ISSUES, THEY COULD OFFER GUIDANCE AND RECOMMENDATIONS TO THE LEGISLATURE AND DEPARTMENT OF HEALTH AND HUMAN SERVICES. THE FISCAL NOTE WILL NOT BE PREPARED UNTIL THE AMENDMENT IS ADOPTED. THE BEST ESTIMATE WOULD BE IT MAY BE SOMEWHERE AROUND \$100,000. I WOULD REMIND YOU THAT THERE ARE SIGNIFICANT COSTS RIGHT NOW THAT THE STATE HAS--THERE'S A 30...OUT OF MEDICAID, MEDICAID STROKE VICTIMS...THE LATEST DATA WAS 2007, \$38.1 MILLION WAS PAID FOR THE TREATMENT OF STROKE VICTIMS IN 2007, AND IT'S NO DOUBT HIGHER NOW. AS YOU LOOK AT WAYS THAT THE PROCESS COULD BE EXPEDITED AND LESS BRAIN DAMAGE DONE THEN THOSE COSTS COULD BE REDUCED. IN ADDITION TO THE \$38.1 MILLION IN 2007 OF MEDICAID, WHICH IS NO DOUBT HIGHER NOW, THERE'S ALSO MEDICARE PAYMENTS INVOLVED AS WELL TO THE TUNE OF \$64 MILLION. SO IN SUMMARY, THE PURPOSE OF LB722 IS TO REDUCE...REDUCE DEATH AND DISABILITY TO STROKE. IT IS IMPORTANT TO ADDRESS THE SYSTEM AS A WHOLE BY RECOGNIZING AND ADDRESSING HOSPITAL DESIGNATIONS, EMS PROTOCOLS, AND THE FORMATION OF A TASK FORCE, THE STATE CAN IMPROVE OUTCOMES. THANK YOU. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR BAKER. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. EXCUSE ME. ANNOUNCEMENT, MR. CLERK. [LB722]

ASSISTANT CLERK: EXCUSE ME, MR. PRESIDENT. THE JUDICIARY COMMITTEE WILL BE HOLDING AN EXECUTIVE SESSION NOW UNDER THE NORTH BALCONY. [LB722]

SENATOR SCHEER: THANK YOU, MR. CLERK. AGAIN, AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THOSE AMENDMENTS. [LB722]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2126 WAS THE RESULT OF NEGOTIATIONS BY SENATOR BAKER AND HIS STAFF TO CREATE A STROKE SYSTEM OF CARE THAT WILL BENEFIT PATIENTS AND WILL NOT OVERLY BURDEN THE HOSPITALS AND EMERGENCY MEDICAL PERSONNEL FOR STROKE VICTIMS. AND I DO WANT TO EMPHASIZE A GREAT AMOUNT OF TIME WAS SPENT WITH STAFF TALKING TO THE DEPARTMENT AND TO ALL OF THE PEOPLE INVOLVED. AND I'M VERY APPRECIATIVE FOR THE COUNTLESS HOURS THAT WERE SPENT TO GET THIS AMENDMENT READY. THE COMMITTEE AMENDMENT REMOVES THE REQUIREMENT FOR THE DEPARTMENT TO PROMULGATE RULES AND REGS, REMOVES THE DATABASE, REMOVES THE REQUIREMENT FOR EMS TRAINING AND ASSESSMENT, AND REMOVES THE QUALITY IMPROVEMENT PLANNING. THE REMOVAL OF SUCH REQUIREMENTS WAS INTENDED TO REDUCE THE FISCAL IMPACT AND WAS FAVORABLY DISCUSSED AT THE COMMITTEE HEARING. WHAT REMAINS FROM THE BILL IS THE REQUIREMENT FOR DHHS TO DESIGNATE THREE LEVELS OF STROKE CENTERS AND REQUIREMENT FOR THE DEPARTMENT TO MAINTAIN A LIST OF THOSE DESIGNATED HOSPITALS AND POSTED AND DISTRIBUTED TO EMS PROVIDERS. IT REQUIRES HOSPITALS WITHOUT THE DESIGNATION TO HAVE A PLAN TO TRANSFER PATIENTS ON FILE WITH THE DEPARTMENT. AND IT REQUIRES THE DEPARTMENT TO DEVELOP A STROKE TRIAGE ASSESSMENT TOOL AND REQUIRES EMS TO USE SUCH TOOLS AND PROTOCOLS FOR TRANSPORT OF STROKE PATIENTS. CREATES A TASK FORCE AND SPECIFIES THE USE OF DESIGNATION BY HOSPITALS. COLLEAGUES, I WOULD LIKE TO ADD TO THIS THAT IF YOU HAVE EVER HAD A FAMILY MEMBER OR A CLOSE FRIEND EXPERIENCE A STROKE, YOU CAN UNDERSTAND THE IMPORTANCE OF THE BILL THAT SENATOR BAKER HAS BROUGHT TO YOU. WE HAD A DEAR FRIEND HAVE A STROKE AND WENT THROUGH YEARS OF WORKING WITH HER IN TERMS OF REHAB AND LEARNING TO LIVE WITH THE DISABILITY THAT FOLLOWED. IF THE PROTOCOLS HAD BEEN IN PLACE, AND IF WE WOULD HAVE HAD THE TYPE OF FRAMEWORK THAT SENATOR BAKER IS BRINGING FORWARD, THE LIFE FOR MY DEAR FRIEND MIGHT HAVE BEEN DIFFERENT, AND COULD BE DIFFERENT FOR YOUR FAMILY MEMBERS AND PEOPLE IN YOUR COMMUNITIES. THIS IS AN IMPORTANT BILL. AND I HOPE THAT YOU WILL GIVE IT

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YOUR ATTENTION, AND, OBVIOUSLY, SUPPORT FOR THE COMMITTEE AMENDMENT AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR CAMPBELL. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB722]

SENATOR RIEPE: MR. PRESIDENT AND MEMBERS OF THIS DELEGATION, THIS CHAMBER, ALONG WITH THE MEMBERS OF THE JUDICIARY COMMITTEE, WHICH ARE NOW BREAKING UP, I WANT TO STAND AND EXPRESS CONCERN REGARDING THIS PARTICULAR PIECE COMING FROM MANY YEARS IN THE HEALTHCARE BUSINESS. MY SENSE IS MUCH OF THIS SHOULD BE THE RESPONSIBILITY OF MANAGEMENT. WE ALREADY HAVE MANY STROKE PROGRAMS, WE HAVE BEST PRACTICES, WE HAVE JOINT COMMISSION ON ACCREDITATION, WE HAVE STATE ACCREDITATION, WE HAVE STANDARDS OF CARE, WE HAVE ATTORNEYS LOOKING OVER OUR SHOULDER, WE CONSTANTLY HAVE PEOPLE IN GOOD MANAGEMENT, IF THEY DON'T HAVE TRANSPORTATION PLANS AND EVERYTHING ELSE, THEN I THINK THEY'RE MALPRACTICING IN ADMINISTRATION. I FUNDAMENTALLY HAVE A REAL CONCERN ABOUT WHAT I CONSIDER AS NEEDLESS DUPLICATION. I THINK THIS PARTICULARLY FALLS UNDER THAT CATEGORY AS WELL. AND YES, I HAVE A CONCERN ABOUT PATIENTS, I HAVE A CONCERN ABOUT GOOD OUTCOMES. ONE OF THE REASONS THAT WE HAVE HIGHER HEALTHCARE COSTS IS WE JUST KEEP LOADING MORE AND MORE AND MORE THINGS ON HOSPITALS THROUGH REGULATIONS, THROUGH RULES, THROUGH ACTS, THROUGH PLANS, THROUGH THIS, THROUGH THAT, AND THAT JUST BECOMES BURDENSOME AND WE TRY TO FIGURE OUT HOW WE CAN POSSIBLY AFFORD HEALTHCARE. THAT'S WHERE I STAND. THANK YOU. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR RIEPE. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB722]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF LB722 AND WITH THE HEALTH AND HUMAN SERVICES AMENDMENT. AND I

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THANK SENATOR BAKER FOR HIS HARD WORK, WORKING ON A BILL THAT WILL BE AN IMPORTANT WORKABLE SOLUTION TO REALLY IMPROVE STROKE CARE IN OUR STATE RIGHT NOW. THE AMENDMENT BRINGS THIS BILL DOWN TO A VERY MANAGEABLE PLAN. AND I WANT TO SAY THAT I WAS CONTACTED BY MY OWN HOSPITAL SAYING THAT THIS IS A GOOD THING TO DO. I HAVE E-MAILS FROM NURSES, OTHER PEOPLE WHO WORK DIRECTLY WITH PATIENTS WHO EMPHASISE THE IMPORTANCE OF THIS BILL AND MAKING SURE THAT WE'RE ABLE TO GET PEOPLE TO CARE AS FAST AS POSSIBLE. SENATOR RIEPE NOTED THERE IS SOME OTHER ACCREDITATIONS THAT PROVIDE DESIGNATIONS, SO THE IMPORTANT PART OF LB722 IS TO MAKE SURE THAT WE HAVE A SHARED UNDERSTANDING OF WHAT SOME OF THOSE DIFFERENT LEVELS OF CARE ARE IN THE HOSPITALS, AND ALSO THEN MAKE SURE THAT OUR EMS SERVICES KNOW WHICH HOSPITALS HAVE WHICH LEVEL OF CARE. AND THAT'S VERY IMPORTANT AS THEY'RE MAKING DECISIONS ABOUT WHERE TO GO. AND IN THE CASE OF STROKES, "TIME IS BRAIN" AS THEY SAY, AND IT'S CRITICAL TO MAKE SURE THAT PATIENTS ARE DELIVERED TO THE APPROPRIATE LEVEL OF CARE AS QUICKLY AS POSSIBLE. AND SO REALLY, THAT IS, AT THE BASE, WHAT THIS BILL IS DOING, IS IDENTIFYING CERTAIN LEVELS OF STROKE CARE THAT ARE GOING TO BE RECOGNIZED AND MAKING SURE THAT OUR EMS SYSTEMS KNOW WHICH HOSPITALS FIT AT WHICH LEVEL OF CARE, AND SO THAT OUR EMS SYSTEMS CAN PREPARE AHEAD OF TIME AND KNOW WHAT THEIR PLAN IS GOING TO BE FOR STROKE VICTIMS IN DIFFERENT PARTS OF THE JURISDICTION TO KNOW THE BEST PLAN FOR MAKING SURE THEY GET THAT STROKE VICTIM TO THE BEST CARE AS FAST AS POSSIBLE. AGAIN, I THANK SENATOR BAKER AND ALL THE OTHER ADVOCATES FOR WORKING HARD ON THIS BILL AND MAKING SURE WE HAVE A GOOD STROKE SYSTEM IN OUR STATE, TO MAKE SURE THAT PEOPLE ARE GETTING CARE AS FAST AS POSSIBLE, AND WE'RE MAKING BEST USE OF OUR HOSPITALS THAT EXIST IN ALL PARTS OF OUR STATE. AND I URGE YOU TO VOTE IN FAVOR OF LB722 AND THE COMMITTEE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB722]

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SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB722]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I RISE AGAINST LB722 BECAUSE OF THE A BILL. AND BECAUSE I DO HAVE FAITH, A LITTLE BIT OF FAITH IN MY MEDICAL INDUSTRY IN THIS COUNTRY. IT DOES HAVE SOME REMNANTS OF FREE ENTERPRISE. THEY WANT CUSTOMERS. STROKE IS ONE OF THE BIGGEST AILMENTS THAT HOSPITALS TREAT. I WANT TO BELIEVE AND DO BELIEVE THAT THEY'RE PREPARED FOR THIS. THEIR JOB, THEIR BUSINESS IS HEALTHCARE. THEY DO THIS. THE STATE IS GOING TO STEP IN AND SPEND HALF A MILLION DOLLARS OVER THE NEXT TWO YEARS TO CREATE SOME KIND OF A REGISTRY OR SOMETHING THAT WE KNOW WHO... WHICH HOSPITAL HAS A STROKE UNIT. I FIND IT HARD TO BELIEVE THAT THERE'S A HOSPITAL OUT THERE THAT HASN'T DEALT WITH STROKE AND KNOWS HOW TO HANDLE IT, AND THE DOCTORS IN THE EMERGENCY ROOM KNOW HOW TO DO THIS. THIS IS ONE OF THOSE...BAD THINGS HAPPEN TO US, FOLK. WE ALL AGE. WE ALL EVENTUALLY DIE. WE HAVE A MEDICAL INDUSTRY THAT TRIES TO KEEP US HEALTHY AS LONG AS WE CAN. IT WORKS. WHAT DOES THE STATE OF NEBRASKA'S INTEREST TO STEP INTO THIS FEEL GOOD LAW FOR \$500,000? I LOOKED AT WHO TESTIFIED--WASN'T A SINGLE DOCTOR; WASN'T A SINGLE HOSPITAL ADMINISTRATOR; WASN'T A SINGLE HOSPITAL FROM THE HOSPITAL ASSOCIATION, AMA. THEY PROBABLY SEEN THIS AND GOES--WHAT? THIS IS JUST BASIC MEDICAL PRACTICES THAT WE ALL DO IN OUR BUSINESS AS HOSPITALS. THAT'S MY ASSUMPTION. FEEL GOOD LEGISLATION, PAT OURSELVES ON THE BACK THAT WE TOOK CARE OF STROKES AND GO TO THE NEXT LOBBY EVENT. I'M TIRED OF THESE THINGS. BUT I'VE SEEN IT ALL MY LIFE. THIS IS UNNECESSARY, NOT NEEDED. I SYMPATHIZE IF PEOPLE HAVE A STROKE. I'LL PROBABLY HAVE ONE, ONE DAY. BUT HEY, I KNOW WHERE THE HOSPITAL IS; SO DOES MY WIFE. SO THANK YOU. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB722]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. A COUPLE OF QUICK COMMENTS. TWO OF THE MAJOR PROVIDERS THAT ARE MENTIONED IN THIS BILL--THE NEBRASKA HOSPITAL ASSOCIATION AND THE NEBRASKA EMERGENCY MEDICAL SERVICES ASSOCIATION BOTH PROVIDED LETTERS IN SUPPORT OF THIS BILL, AND WHAT WAS NECESSARY TO HAVE IN PLACE FOR NEBRASKANS. WE NEED TO HAVE A GREEN LIGHT ON THE AMENDMENT IN ORDER TO GET A NEW FISCAL NOTE. THEN WE WILL TRULY KNOW AND YOU WILL HAVE BEFORE YOU WHAT THE COST OF THIS WILL BE. AND AS SENATOR BAKER INDICATED, IT PROBABLY IS A SMALL COST IN COMPARISON TO THE LIVES OF NEBRASKANS WHO WOULD EXPERIENCE A STROKE. I WOULD URGE YOUR GREEN VOTE ON AM2126. THANK YOU, MR. PRESIDENT. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR CAMPBELL. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENT TO LB722 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK. [LB722]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB722]

SENATOR SCHEER: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB722 CONTINUES. SEEING NO ONE IN THE QUEUE, SENATOR BAKER, YOU'RE WELCOME TO CLOSE. [LB722]

SENATOR BAKER: THANK YOU. THE TRUTH OF THE MATTER IS THAT NOT ALL HOSPITALS IN NEBRASKA ARE EQUALLY PREPARED TO DEAL WITH STROKE VICTIMS IN THE SAME MANNER. ONE OF THE FINEST OUTSTATE HOSPITALS THAT I'M AWARE OF IS THE BEATRICE HOSPITAL. WHAT THEY DO RIGHT NOW, IF A STROKE VICTIM COMES TO THE BEATRICE HOSPITAL, THEY STABILIZE AND GET THEM ON THE WAY AS QUICKLY AS POSSIBLE TO LINCOLN. IT COULD BE ME, IT COULD BE YOU, IT COULD BE ANY OF US TRAVELING ACROSS NEBRASKA AND HAVE A STROKE. YOU KNOW, YOU MAY LIVE IN AN AREA...A MAJOR

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METROPOLITAN AREA WHERE YOU'RE FINE, BUT YOU...IF YOU'RE LUCKY AND YOU HAVE YOUR STROKE, YOU'LL BE IN A DENSELY POPULATED AREA, AND THERE WILL BE FIELD ASSESSMENT DONE BY MEDICALLY TRAINED INDIVIDUALS, RAPID ASSESSMENT, COMMUNICATION OF RECEIVING HOSPITAL. BUT IF YOU'RE SOME PLACE WHERE THAT'S NOT THE CASE, A LESS POPULATED AREA THAT'S FRAGMENTED AND PEOPLE WILL BE MAKING DECISIONS. ALL RIGHT, IF I'M FIRST RESPONDER, I HAVE A CHOICE WHERE TO TAKE THE PATIENT. WHERE DO I GO? DO I GO TO THE CLOSEST HOSPITAL? DO I ASK THE PATIENT WHERE THEY WANT TO GO? OR DO I WORK FROM A WELL-ORCHESTRATED PLAN? AND THAT'S WHAT THIS BILL PROVIDES. THANK YOU. [LB722]

SENATOR SCHEER: THANK YOU, SENATOR BAKER. THE QUESTION IS ADVANCEMENT OF LB722 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? MR. CLERK. [LB722]

ASSISTANT CLERK: 29 AYES, 4 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB722]

SENATOR SCHEER: THANK YOU, MR. CLERK. THE BILL ADVANCES. MR. CLERK FOR ANNOUNCEMENTS. [LB722]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS FOR THE RECORD: I HAVE A REFERENCE REPORT REGARDING CERTAIN GUBERNATORIAL APPOINTMENTS; AMENDMENT FROM SENATOR FOX TO LB698. NAME ADD: SENATOR HANSEN TO LB947. (LEGISLATIVE JOURNAL PAGES 798-802.) [LB698 LB947]

AND FINALLY A PRIORITY MOTION: SENATOR LINDSTROM WOULD MOVE TO ADJOURN UNTIL THURSDAY, MARCH 3, 2016, AT 9:00 A.M.

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SENATOR SCHEER: YOU'VE HEARD THE MOTION FOR ADJOURNMENT. ALL THOSE IN FAVOR SAY AYE. ANY OPPOSED SAY NAY. THE AYES HAVE IT. WE ARE ADJOURNED.